

Human Rights in Transition – Serbia 2001

Introduction

The situation of human rights in Serbia was largely influenced by the foregoing circumstances. Although the severe repression characteristic especially of the last two years of Milosevic's rule was gone, there were no conditions in place for dealing with the problems accumulated during the previous decade. All the mechanisms necessary to ensure the exercise of human rights - from the judiciary to the police, remained unchanged. However, the major concern of citizens is the mere existential survival and personal security. Furthermore, the general atmosphere in the society was just as xenophobic and intolerant as before. The identity crisis of the Serb people and of all minorities living in Serbia continued. If anything, it deepened and the relationship between the state and its citizens became seriously jeopardized by the problem of Serbia's undefined borders. The crisis was manifest with regard to certain minorities such as Vlachs who were believed to have been successfully assimilated. This false belief was partly due to the fact that neighbouring Romania had been in a far worse situation than Yugoslavia during the past fifty years. In considerably changed situation in Romania and Serbia Vlachs are now undergoing the process of self identification though still unclear whether they would choose to call themselves Vlachs or Romanians-Vlachs.

Considering that the international factor has become the main generator of change in Serbia, the Helsinki Committee for Human Rights in Serbia believes that an accurate picture of the situation in Serbia is absolutely necessary. It is essential to establish the differences between Belgrade and the rest of Serbia, taking into account its internal diversities. Serbia's distinct regional character resulting from her historical heritage must be built into a strategy of Serbia's development. At this moment it is essential to define the crux of the problem in order to lay the fundamentals for change.

After 11 September human rights have gained on importance in the sphere of defence of freedoms and values that the human right concept advocates. Terrorism has only revealed vulnerability of modern world and its values and, at the same time, has emphasised the reasons for intensifying support to democratisation in the states and regions, which through repressive measures deny human rights and very often constitute the breeding ground for all kinds of radicalisms. 11 September has also laid bare the mind set in Serbia. On the one hand, the authorities have condemned terrorism and tried to "market" its "war campaigns in Kosovo and Bosnia and Herzegovina" as the fight against Islamic terrorism, while, on the other hand, an obvious support to Bin Laden was rather an expression of anti-Americanism and anti-globalisation. Emergence of clandestine organisation "Gavrilo Princip" which has sent threatening letters to all prominent Serbs in Sarajevo, as well as to individuals in Serbia, is indicative of potential radicalisation in Serbia proper.

The removal of Slobodan Milosevic had created the conditions for constructing a framework for much-needed transition, as well as laid bare the gravity of the problems in hand and the extent to which the society and its institutions had been devastated. Although the absence of any substantial headway in the past year can be attributed to the ruinous legacy, no serious effort was made to take stock of the policy of the Milosevic regime in order to break away from it. Co-operation with the Hague Tribunal was the best indicator of how much progress the ruling Democratic Opposition of Serbia (DOS) made in that direction: Milosevic was handed over to the Hague Tribunal as a result of pressure from the international community, especially the US Congress, and of activities of Carla del Ponte herself. The expectations that pressure on the new government to co-operate with the Tribunal would abate once Milosevic had been transferred to The Hague proved yet another illusion, based more on wishful thinking than on an appraisal of the new circumstances, especially those after September 11. The indictment of Slobodan Milosevic for crimes committed in Croatia, Bosnia-Herzegovina and Kosovo, including genocide, defines the character of the war in the past decade. As well as implicating Milosevic personally, the indictment spells out the war policy and names all its bearers, thus ending a phase of relativizing and equating the culpability of all the protagonists in the former Yugoslavia. As a result, the various Serb elites, who had hitherto looked upon Milosevic as a scapegoat, modified their attitude and now regard his trial as »the writing of the ongoing political history of the region«. As Dragoljub Micunovic, Speaker of the Federal Parliament, said, »we cannot watch disinterestedly as Slobodan Milosevic wages a private war at The Hague... After all, we as a state are part of that indictment«.

The dragging of feet on passing a law on co-operation with the Hague Tribunal was largely due to a disinclination to co-operate with it and indicated the correlation of forces as regards the matter. The growing pressure of individual Western governments and international organizations alike, as well as of the Tribunal itself, brought about a crisis within the DOS in which only individuals exhibited a clear attitude towards the Tribunal. This is partly understandable considering that the majority of the parties forming the ruling coalition supported and helped to implement the Greater Serbia policy, and that their criticism of Milosevic centred mostly on his failures and capitulation. Vojislav Kostunica, the president of the FRY, set up a State Truth and Reconciliation Commission in March, at the height of US Congress pressure aiming to make assistance to Serbia conditional on her co-operation with the Tribunal. Rather than striving after genuine confrontation with the recent past, the Commission in the past year sought - judging by statements by some of its members as well as of the president himself - to interpret the events from a Serb point of view. It is interesting to note that Milan Milutinovic, the president of Serbia himself indicted for war crimes and sought by the Hague Tribunal, pardoned a number of prisoners on Republic Day, a paradox that failed to provoke any public reaction. The past continued to be ignored as a matter of course and it was mostly under outside provocation that any action was taken.

As a result of the absence of political will on the part of state authorities to sanction war crimes legally, the question of culpability and responsibility was narrowed and sidelined. With the internal potentials of the state at their lowest ebb ever, no radical reform was possible without international credibility. The attitude towards war crimes was essentially a measure of a genuine break with past policy. Given the manipulations and scheming of the state authorities and the prevailing attitudes in Serbia, it is hard to imagine that the question of culpability and responsibility can be addressed outside the Hague Tribunal.

The DOS had come to power on the strength of only one demand, namely the removal of Milosevic. The take-over was helped by the international situation and the internal consensus that Milosevic must go. The election of Vojislav Kostunica as president was not accidental, for it was calculated at perpetuating the very policy whose aim was the creation of a Greater Serbia. From this point of view, the survival of the FRY could be viewed merely as a stepping stone towards the realization of that project, with Vojislav Kostunica, once a most fervent opponent of the Yugoslav state, himself regarding the FRY as a means to an end. No sooner was he in office than he nailed his colours firmly to the mast on the question of Republika Srpska, Montenegro, and Kosovo, there being no difference whatever between his position and that of the previous regime. What is more, the rhetoric of Kostunica's messages was far less ambiguous, a fact especially appreciated in Republika Srpska and resulting in a far more cordial relationship than under the former regime. With regard to Montenegro, Kostunica chose not to employ the Army directly, finding it more advantageous for the time being to subject the republic to pressure through the Serbian Orthodox Church (SPC), the most dogmatic segment of the Montenegrin political scene staunchly loyal to Slobodan Milosevic throughout the past ten years, and certain pro-Serb Montenegrins such as the academicians Matija Beckovic and Ljubomir Tadic. All of them were actively engaged in exacerbating divisions in Montenegro along tribal lines. However, in spite of enormous international pressure, the independent bloc won the election thanks to support from the Montenegrin elite and the younger generations. In the long term, the process of emancipation of Montenegro is an irreversible process and it only remains to be seen what form of disintegration Yugoslavia will undergo.

The "normalization" of Serb nationalism and its democratic legitimation enjoyed Western public support during the first months of the DOS's rule. However, during the first years of its rule, the DOS failed to establish itself as a political grouping of much relevance because it proved unwilling to confront the past, i.e. not only the war crimes but also corruption and the re-organization of Serbia as a whole. Every single step it did was forced from abroad and made conditional on financial aid.

The biggest changes took place at the international level, the international community having decided to readmit the FRY to the United Nations, the OSCE and a number of other organizations as a matter of urgency. The rationale behind this policy should be attributed to a desire to prevent the collapse of Serbia and to accelerate her consolidation, though this was achieved only partially. It is hard to believe that the DOS would have survived the first serious crisis without Western humanitarian assistance including pensions, various benefits, medical supplies, gas and oil. The citizens of Serbia, who had used up their remaining strength to be rid of Milosevic, were looking forward to genuine and rapid changes, and Western assistance helped create a semblance of a relatively dynamic political life especially at the level of the republican government. Admittedly, the republican government did try to lay down certain fundamental strategic directions though it is yet to adopt systemic laws necessary for establishing a definite

framework. Serbia lacked certain key postulates of democratic government such as legalized status of the opposition and a clear separation of executive, legislative and judicial powers. As a result, the executive ruled supreme even in Parliament itself, effectively paving the way for a new authoritarianism. The Parliament had been made to dance to the Serbian government's tune, so as of this writing no report on the government's work had reached the deputies. The fact that the government continued to rule in an overbearing and single-minded fashion with the help of decrees may partly be excused as a means of dealing with various obstructions on the part of the Democratic Party of Serbia (DSS); however, unless decision-making devolves on Parliament in the foreseeable future, parliamentary democracy will have been forgotten in the long term. The absence of genuine political dialogue and a low general political culture within the DOS remained the biggest problem.

Representing a wide political spectrum ranging from republicans to monarchists, and envisaging a role for the SPC to a greater or less degree, the DOS as a whole failed to put forward a concept of Serbia in the future. At the same time, it had no effective political opposition because the Socialist Party of Serbia (SPS) and the Serbian Radical Party (SRS) had politically compromised themselves. Individually, however, the SPS remained one of the three largest parties in Serbia and its criticism at present focuses on the government's social policy and the Hague Tribunal. The parties comprising the DOS stuck together with a view to their own survival, conscious of the fact that neither of the two blocs was sure it could prevail for the time being. The rivalry within the DOS between the Democratic Party (DS) and the Democratic Party of Serbia (DSS) and their overt struggle for dominance has been the main characteristic of political life in Serbia so far. The situation favours the leaders of the small parties, most of which have been unable to collect more than 5 per cent of the vote, and thus ensures their participation in government.

Although the parties clustered around the DS were more intent on solving Serbia's problems, no real breakthrough was made. A reform-minded segment of the republican government prepared a strategy in this regard, but its implementation was vehemently opposed. Meanwhile, the continuing disintegration of the state and its institutions led to a "feudalisation" of Serbia, where each town and nearly each municipality was dominated either by a DOS party or a DOS leader. The real state of affairs in Serbia was clouded, and the solution of the key problems delayed, by the unsolved question of the state. The general confusion was mostly due to the DSS, which spearheaded a state-building faction, was openly supported by the SPS and the SRS, and shunned responsibility for concrete action. By delaying to address the burning issues on the pretext of an unsolved "state question", the DSS was trying to shuffle off all responsibility onto the DS. The relationship of the two parties was an additional source of disillusionment among the citizens who were again closing upon themselves and sinking into apathy.

The state of affairs inside the DOS was best illustrated by the events following the killing of Momir Gavrilovic, a former member of the Serbian State Security Service, an incident the DSS tried to portray as an attempt by the DS to cover up corruption. According to a public statement by the office of President Kostunica, Gavrilovic was silenced before he could disclose incriminating evidence about corruption mostly among Serbian government members. The government retorted sharply and two DSS ministers resigned. The struggle of the DSS to attract members and the rivalry of individual parties relegated to the background the vital issues of state and society. In such a constellation democratic transformation was difficult and the promises made to the electorate were forgotten.

Despite the change of government, certain groups - notably the mechanism of repression comprising the police, the Army, and the secret services - remained outside civilian control. While some switched sides to line up behind the DOS, others continued to enjoy the economic independence they had won before. Although the latter were formally politically inactive, they manipulated the levers of economic-financial power and used their former connections to influence current economic and future systemic changes.

Although Kosovo figured prominently in the political life of Serbia and the FRY throughout the period, no serious effort was made towards a meaningful solution. Following the suppression of the Albanian revolt in southern Serbia, the return of the Yugoslav Army (VJ) to the security zone was hailed publicly as a victory and a comeback of the VJ to the political stage. Nevertheless, the implementation of the Serb-Albanian agreement achieved no progress to speak of save in the domain of security. In the meantime, Nebojsa Covic had imposed himself also as a principal negotiator on Serb participation in Kosovo elections. Until the eleventh hour the Kosovo Serb had been encouraged by both the federal and the republican government to boycott the polls and it was only under fresh pressure from the international community that they were urged to turn out. The proposed boycott was based on the illusion that international public opinion had turned against the Albanians and that the Serbs should merely wait for a more propitious moment to

solve the Kosovo question. Belgrade's strategy in this regard boils down to a partition of Kosovo, and this was expounded by Covic at a gathering in Belgrade in 2001. As long as Serb nationalists hope to wrest concessions from the West for the possible loss of Kosovo or scheme for its partition, the situation in southern Serbia will remain basically unresolved. The attitude towards Albanians was best illustrated by the negative propaganda and the insistence of negative stereotypes at their expense. Some eighty Albanians who were brought to Serbia following the NATO intervention in 1999 are still in prison in Serbia. Albin Kurti, the Albanian student leader, was released only after unremitting pressure from Western government and international organizations such as Amnesty International and Human Rights Watch. The decision to set him free was taken on the day French President Jacques Chirac arrived in Belgrade.

The uncertainty surrounding the future of the FRY delayed the solution of a number of crucial issues such as the system of government. Although all kinds of options ranging from republic to monarchy were in circulation, no public debate was launched to decide the matter in a democratic manner. Meanwhile the SPC enjoyed unprecedented publicity owing to support from Kostunica as well as from Serbian Prime Minister Zoran Djindjic. Following an all-out promotion of the SPC by Kostunica, it was the Serbian government which passed a decree introducing religious instruction in state institutions and schools and imposed it by the back door in spite of considerable public opposition. The opposition was keenest in Vojvodina and Belgrade. Nevertheless, minority religious communities who saw their chance of imposing their own beliefs through obligatory instruction supported the move.

The decentralization of Serbia was another crucial issue waiting to be addressed. In the absence of any definite action to this end, citizens themselves largely by-passing both local and central party headquarters on account of their reputation of being corrupt and inefficient launched various local initiatives. The question of Vojvodina's autonomy is something Belgrade does not want to tackle; it prefers to marginalize it in order to maintain its grip on Vojvodina through ostensible regionalization - the DSS on conceptual and the DS on economic grounds. The unitary concept which negates all differences with regard to minorities as well as within the Serb nation is still strictly adhered to, betraying a tendency to homogenize Serbia in conformity with the »Sumadija cultural model« (Sumadija is the heartland of Serbia situated to the south of Belgrade). The refusal to recognize the refugee population's specific language and culture was bitterly resented. Vojvodina faces a major problem in this regard because the majority of refugees from Croatia and Bosnia have systematically been settled in its mixed communities. The latest example of such demographic engineering is the settlement of three thousand Roma from Kosovo in an area of Subotica populated by Croats. The antagonism between refugees, minorities and local Serbs can have unforeseeable consequences if reforms are abandoned in favour of Serbia's isolation.

The question of religious instruction in Serbia is directly related to the question of minorities considering that most minorities are of a different faith. The question of minorities continued to be ignored in spite of the fact that Rasim Ljajic, the federal minister for minorities, had urged the adoption of a law on minorities, a key requirement for membership of the Council of Europe. The attitude of the state towards minorities remained fundamentally unchanged and number of discriminatory decrees and laws passed under Milosevic were still in force. The new authorities obviously did not think that such legislation ought to be abolished. Public opinion too was intolerant of minorities, especially of Albanians and Muslims-Bosniaks. The rights acquired during the life of the second Yugoslavia had been eroded considerably, and many young people had emigrated. Confronted by the radicalism, xenophobia and insularity of the majority nation, minority communities had likewise become radical and entrenched in the expectation of better things to come. All of them pinned their hopes on the international community. The fact that minorities account for some 30 per cent of the population of Serbia poses an insurmountable problem for Serb nationalists. Any delay in dealing with their problems in Serbia may backfire in the form of issues involving territory. For this reason the international community must not bow to Belgrade's demands for compensation because a chain reaction is certain to follow. In spite of massive ethnic cleansing the region remains multi-ethnic in character, so it is obvious that no ethnically pure states can be established in it without further bloodletting.

Serbia's biggest problems remained the unwillingness to confront the past and the radicalisation of society, i.e. its insularity and disinclination towards reform. Notwithstanding the change of government, radicalism and a revival of Serb nationalism incorporating elements of fascism were in evidence throughout 2001. The year saw the public promotion of many Serb right-wing extremists including Nikolaj Velimirovic, Justin Popovic and Dimitrije Ljotic whose works were very popular especially among young people. The most active organization of such orientation was *Obraz* (meaning dignity, face, honour, self-respect), which attracts Belgrade philosophy students and wields considerable influence at the University. Anti-Semitism was an accompanying

phenomenon detected also in the media. In the wake of the intervention, American Jews in particular were the frequent targets of anti-Semitic outbursts because, according to Serb theory, they were its main driving force. The most frequently mentioned names were those of Madeleine Albright, Wesley Clark and Morton Abramowitz, among others.

The economic and welfare situation was a factor, which considerably affected the behaviour of the citizens, who were mostly preoccupied with the problems of their daily existence. The hardship resulting from nearly fifteen years of idleness, grey economy and theft could not be changed by promises unless backed by concrete results. The masses of citizens reduced to a mob did not turn riotous because by subsidizing the pension funds the international community ensured support for the new authorities from the segment of the population previously most loyal to the Milosevic regime. The hospitals and all other social services such as borstals, orphanages and mental homes were also dependent on humanitarian aid. It was only after the new government was installed that the first comprehensive survey of the situation in these institutions was made. The health services nearly collapsed and were kept going thanks to the exertions of individuals. The pay of health workers was so low that even a decent salary suggested a certain level of corruption. The quality of services suffered additionally because some employees were reduced to moonlighting to earn a minimum of subsistence. The old system of wage levelling survived in all these institutions, with doctors earning only twice as much as other workers.

The refugees, officially numbered at some 450,000, represented a special category of social liabilities. The official policy of the federal government boiled down to an offer of citizenship devoid of a follow-up strategy to facilitate their integration. The refugees were systematically discouraged from going back because the policy of consolidating a Serb state along ethnic lines was still an option. This policy is clearly an illusion because most refugees would leave the FRY if they could. If economic recovery picks up in Croatia, a considerable number of refugees are expected to return.

There was unfortunately no improvement in the domain of elementary human rights because there was no headway in the three key segments necessary to ensure their respect - the judiciary, the police, and the media. The judiciary was only partially reconstructed and remained susceptible to manipulation because most senior judges who had been loyal to the previous regime kept their posts. The District Economic Court was particularly vulnerable because there were no changes of its personnel. The role of the Ministry of Internal Affairs remained as controversial as ever. On the one hand, Dusan Mihajlovic, the interior minister, showed a readiness to come to grips with the gravest problems: he helped to arrest Milosevic and transfer him to The Hague and, before that, he had disclosed the existence of mass graves of Albanians without however following it up. On the other, the handling of the mutiny of the Red Berets, the elite special unit having the character of a paramilitary formation and numbering 200 active and some 1,000-reserve members, laid bare the Ministry's limitations. The fact that the Red Berets were not immediately disbanded and put under control indicated that the police force was steeped in crime and that resistance to reform would be great. The criminal past of some segments of the force that served under Milosevic remained the main obstacle to putting the house in order. As a result, three major cases remained unsolved: the murder of the journalist Slavko Curuvija, the assassination attempt on the opposition leader Vuk Draskovic (his brother-in-law and senior three party officials were killed then), and the disappearance of Ivan Stambolic, the former president of Serbia. The cases remained unsolved and the perpetrators unpunished amid clear indications of involvement of secret services.

The Yugoslav Army remained the most controversial institution resisting top personnel changes in spite of heavy insistence elsewhere. Nebojsa Pavkovic succeeded in keeping his post as Chief of the General Staff thanks to full support from Vojislav Kostunica. At the end of December, Kostunica said publicly that he had asked Pavkovic to remain in office as guarantor of reforms in the VJ. Although a number of generals had been retired by the end of the year, there was no genuine reform. Such changes as were made entailed mere reduction of the number of corps and generals and the shortening of the compulsory military service from twelve to nine months. Although as much as 75 per cent of the 2002 budget would go to the VJ, no minister was able to account for the percentage or say whether the Army of Republika Srpska would continue to be financed from the VJ budget. Miroslav Labus, the federal deputy prime minister, announced that the Military Academy in Banja Luka would no longer be financed but no other military arrangements were mentioned. Reform of the VJ and the severance of its ties with the Army of Republika Srpska remained a key condition of Western support as well as of partnership with NATO.

The situation in the media mirrored the situation in the society as a whole. It was only after Milosevic had been overthrown that the appalling material and professional standards in the media came home. The sharp distinction between state-sponsored establishments and so-called

opposition media that had thrived on their opposition to Milosevic became obliterated. The media remained extremely politicised under the new political elite who made sure as soon as they came to power to keep under their control the most influential establishments such as the state television and the mass-circulation newspapers. The divisions within the DOS were reflected in a struggle for media control. The media as a whole failed in their key role of shaping public opinion regarding reforms and confrontation with the recent past.

The non-governmental sector underwent a similar transformation to that of the media. During Milosevic's rule, the NGOs had also played an opposition role because the opposition parties had not been sufficiently explicit on certain key issues, notably those of war and war crimes. Furthermore, the NGOs had also played a major part, alongside OTPOR, in the 2000 election campaign during which they largely identified and allied themselves with the DOS. As a result, the critical distance was lost and instead of establishing relations of partnership with the DOS, many NGOs became governmental organizations in all but name. This was largely the doing of the DOS, the majority of whose members consider that the NGOs ought to be reduced to the level of grass-roots organizations steering clear of party politics. The DOS is of the view that "politics" are the sole prerogative of political parties. During the period of euphoria affecting also the international community, the federal and republican governments had sought to co-ordinate the activities of NGOs and to win over those they considered "useful to society" in order to curb the influence of their more critical counterparts. Donations were made to this end with some success. The position was adopted that there was no room for a critical analysis of the authorities and that the removal of Milosevic was sufficient to outweigh every problem.

The greatest success was undoubtedly the return of the country to the international community shortly after the election. It prevented the collapse of the economy and helped the partial consolidation of the country. The welcome extended to the FRY by all international forums helped the new authorities to acquire self-confidence and gave them room for reforms. The international community had meanwhile formulated a framework for its action serving also as a guideline for future changes in Serbia. The framework implies membership of the Council of Europe (the FRY is a candidate member), accession to the European Union stabilization and association agreement, partnership with NATO, and co-operation with the Hague Tribunal. These four mechanisms are designed to discipline and direct the transition just launched. However, without internal efforts and meaningful contribution from the entire population transition will not be possible.

STRONG RESISTANCE TO REFORMS

Although it was unrealistic to expect that, in the first year following the 5 October 2000 "popular overthrow" of the Milosevic regime, transition processes in Serbia would make faster progress than those already under way in the countries of "real Socialism" - for excessive optimism seemed out of place in view of a number of adverse social conditions combined with the effects of a "historical delay" and of a "soft, market-tailored brand of Socialism" - one cannot fail to observe that these processes were far slower than expected, or even possible under the circumstances. This very fact casts a shadow of doubt on the nature and depth of the "turnabout" referred to above.

There are many facts which lead to the conclusion that it would be quite incorrect to speak of a genuine "social transformation" having taken place on 5 October 2000, for Serbia remains heavily weighed down by the "terror of the old leading ideas". On the other hand, it would be just as incorrect to say that there was no "turnabout" in Belgrade on October 5 at all, and that a played-out leader was merely replaced by a new one; for Serbia did begin to change, partly as a result of international pressure and international financial support to domestic reformers, and partly because there was a pressing need for any economic and other reforms to prevent an economic collapse that would condemn her society to many years of turmoil.

One cannot gauge the progress of economic reforms in Serbia without analysing concrete changes (or lack thereof) in the sphere of political power and its instruments: for we are dealing with an environment which over the decades has simulated economic reform, undergone "constant economic reform", and switched from one widely promoted economic model and mechanism to another; at the same time, however, politics in Serbia have always had a commanding influence on the economy in more or less overt fashion, making genuine economic reform impossible.

The "state Framework" or the Relationship of Political and Economic Reforms

The first problem of reforms in Serbia consists in a lack of comprehension of the depth of political reforms which must be carried out simultaneously with radical economic reforms in the domain of social institutions, especially in the institutions of government; more generally, there is a conflict between obsolete "leading ideas" about the essence of the State (or rather the "nation State", an idea tacitly built into the concept of the Serbian State) and its fundamental role in the economic life on the one hand, and a rather advanced body of opinion about modern market economy and its mechanisms of automatic regulation.

Although in Serbia too it is partly understood that the economic sphere cannot be reformed without at the same time dismantling and reconstructing the old system of political power, the attempts to block transition are the logical consequence of the domination of anachronous concepts and projections of a "reformed State", where such a state is envisaged, both territorially and in essence, as conforming to an old "international-law framework", notwithstanding the sweeping political changes in Belgrade. In more simple terms, as long as the "state framework" is considered the alpha and omega of the whole life of society, no change is possible until that framework is stabilized; but the "state framework" cannot be stabilized because it is at variance with the need for fundamental "discontinuity", because that "framework" blocks the necessary reform of the State and society, undermines social dynamics, conserves the hierarchies of power - in a word, by virtue of its "sacredness", that outdated "international-law framework" gainsays every new idea and every new social project.

Although the president of the FR Yugoslavia, Dr Vojislav Kostunica, keeps referring to the "state framework" in connection with the "state territory and its borders", to the unclarified relations in the federation, and to the vague makeup of Serbia and Montenegro, as well as stressing that in his efforts to "preserve Yugoslavia" he has the unequivocal public support of the European Union and the United States, he actually has in mind the "international-law framework" of the social life as a whole; therefore he is trying to instrumentalize this international support to the benefit of his (old) ideological notions about the State being the chief "guardian of national interests" (*ergo* the "state-mother of the nation", so in his felicitations on the birthday of the "father of the nation", Dobrica Cosic, he availed himself of the opportunity to refer to the State in tender tones of endearment as "little Serbia"). Thus the question of the "unresolved State framework" has been used in an ideologically transparent way to hinder every other change, while the failure to "reform the federal State" has been cited as an excuse to obstruct all other reforms other than - somewhat paradoxically - constitutional reforms, boiling down to the constitutional stabilization of the "international-law framework".

At the same time, those who purport to champion fundamental social and economic reforms in Serbia do not feel politically strong enough to enforce their own (similar) concept of constitutional reform which would allow them to keep a lion's share of control over executive power; so, at the moment, they are sabotaging the preparation of constitutional changes in Serbia (this is reflected directly in the confusion surrounding the so-called Vojvodina question), an activity which, in a logical sequence of events, delays the fundamental reform of the chief levers of power of that "state frame" - the Yugoslav Army (VJ) and the police.

It is very interesting that the option envisaging an alliance of the Serbian and Montenegrin states or a real union of those two states was *a priori* removed from the agenda by those discussing the relations of the two republics, as well as that this rejection (to consider the dismantling of the old, compromised "international-law frame") enjoys the widest political support in the public life of Serbia. This seemingly simple operation, which appears to have been approved by the international community, has all of a sudden slowed down substantially a whole set of other reforms in Serbia (and probably in Montenegro) until such time as what cannot be done is done, i.e. to restore to power in Montenegro the "pro-Yugoslavia groups" who would proceed to conclude with "democratic Serbia" an agreement to reform the "state frame". The expectation is that the partner with whom such an agreement on a "functional federation" will be concluded will be the present coalition partner of the ruling Democratic Opposition of Serbia (DOS), the coalition lead by the Socialist Popular Party (SNP), the party of "Milosevic's orphans". Thus we have a paradox in Montenegro, where the "wrong people" espouse ostensibly "correct ideas".

The problem of the blocking effect of the unresolved Montenegrin and Kosovo issues on all social reforms in Serbia - i.e. the strategy of "preserving the FR Yugoslavia" which the international community adheres to for reasons of its own - appear to have been underestimated in the world centres; or, perhaps they believe that some special institutional and economic reforms may induce Serbian public opinion to bring forth certain political forces who would be more amenable to a solution of these two issues in conformity with a scenario standing more chance of success than the present one. But in view of the present state of affairs, such a course of action would be impossible of achievement because it would presuppose an unrealistic sequence of

moves. For a “greater State concept” cannot be reformed within a fixed and stifling “international-law frame” with the help of “new entrepreneurial forces” who cannot come into their own because the “old managerial structure” survives on the concept and rule of the old “international-law frame”.

The archaic nature of the concept of this “international-law frame” is apparent in almost every provision of the Belgrade platform to “re-define the federation”; this is most easily noticed in its provisions dealing with seemingly secondary domains, e.g. to subsume “traffic” (actually “flight control” and “free navigation control”) under the “integrated functions” of the future federation. The intention to monopolize, i.e. centralize, flight and navigation regulation at the federal level of decision-making betrays a host of central-State pretensions, especially to free up or preserve intact the air-space and the waterways for the unhindered movement of an allegedly joint Army or, to put it bluntly, to preserve the “space of State power”; this space remains, according to the architects of a “functional federation”, the chief attribute of the allegedly “integral State sovereignty” of a “single State” having “one chair” at the United Nations.

A direct outcome of the impossibility of reforming the “federal State frame” has been the delay of “constitutional reform” in Serbia; a year after the political turnabout, the urgency of Serbian reforms has been raised aggressively, and seemingly paradoxically, by the least reform-minded political party - Kostunica’s Democratic Party of Serbia (DSS) - on purely tactical grounds. In its haste to precipitate new political elections leading to a re-distribution of power within the DOS, the DSS has also felt it necessary to moot the question of Serbia’s new Constitution as a formal pretext for elections; the DSS namely wants to capitalize on its current popularity among the voters attracted by its rhetoric of “legality and continuity” (with the Milosevic era), as a result of which a great many of Milosevic fans have recently lined up behind Kostunica as the champion of the old Greater Serbia ideology. However, judging by the draft constitutional enactments prepared by DSS activists, such changes as are envisaged are confined mostly to the “territorial re-organization and decentralization” of Serbia, whereas the basic definitions of the State, its system of government, and rights and liberties are couched in classic international-law terms dating back to the 19th century.

On the other hand, the attitude of the Serbian Government and the parties coalesced around Dr Zoran Djindjic indicates that they rather underestimate the importance of amending the Serbian Constitution in order to reform the system in the republic. Other than submitting an “omnibus package” of statutory provisions somewhat enhancing the “constitutional capacity” of Vojvodina, as well as putting forward several statutory initiatives to “reinforce” local self-government, they have done nothing in the way of “reconstituting Serbia”; they have not even called for setting into motion the procedure for amending the republic’s Constitution although this was one of the key formal electoral promises enshrined in the DOS election platform.

All things considered, apart from sporadic discussions on the future status of the autonomous provinces under a future Constitution of Serbia and thinly disguised efforts by the nationalist centres to pave the way for the restoration of the “Karadjordjevic monarchy”, the attention has focused on the main constitutional topics. There are no “constitutional ideas”; there is no public debate on the fundamental conceptual shortcomings of the “semi-presidential system” which dominates the 1990 Serbian Constitution fashioned to please Milosevic; no one is challenging the widespread fallacy that that Constitution incorporates a corpus of human rights and freedoms, as well as minority rights and freedoms, in conformity with “European standards”; and no one seems to care that none of the economic reform laws passed so far is constitutional under the present Serbian Constitution (for instance, the obligatory privatisation of socially-owned enterprises built into the new Law on Privatisation is directly contrary to the constitutional provision on the “equality” of all types of property, i.e. the equality of private and “social property”).

The position of the “pragmatic drift” in Serbia allegedly led by the republic’s prime minister, Dr Zoran Djindjic, that reforms are possible in Serbia in spite of blocking decisions of federal agencies and federal legislature, especially by the Federal Supreme Court and the Federal Constitutional Court - the argument being that Serbia is empowered by her Constitution to ignore all federal legislation jeopardizing her vital interests - cannot be accepted as a proper answer to Serbia’s constitutional problem because most judicial decisions against reform-oriented moves have so far cited not incompatibility with the federal Constitution, but violation of the Serbian Constitution itself.

No Police and Army Reform

The entanglement of the Belgrade “democratic government” in the old “constitutional framework” by adherence to the theory of “legality” (actually, “continuity”) is best seen in the blockade of reforms in the VJ and the police, i.e. the main instruments of enforcing reforms in all other spheres of social and economic life.

Discussion of the project to reform the VJ was launched on the following initial false premise: the VJ would resume its role in society in the form of its old, almost intact elaborate self; it would be installed according to the old military methods and concepts as a "popular Army" to safeguard the "national accomplishments and interests" against both external and "internal enemy" (there being no doubt about the ideological implications of this); it would exist as an almost autonomous legal-political entity, practically "on an equal footing" with the government, i.e. with executive political power.

A position where the VJ would be "parallel to the government" has a basis in the present constitutional provisions on which the Supreme Command is modelled; in practical terms, this position was manifested until recently in the near subordination of the federal Ministry of Defence to the General Staff of the VJ (or rather of the federal Minister of Defence to the Chief of the General Staff). The first year of rule of the "new democratic government" in Belgrade saw the Federal Government and the General Staff engaged in a pitched battle to decide who will be controlling disposal of the federal military; for decades previously, the military leadership had considered the military budget its exclusive financial prerogative and had felt free to dispose of the money as it saw fit, as well as to incur financial liabilities. Following the example of the overwhelming majority of democratic countries, where the principle of civil administration of the armed forces predominates, and where management of the military budget is the prerogative of the Ministry of Defence (in some countries even the Ministry of Finance), the Federal Government has succeeded only recently in giving the Ministry of Defence some control of the military budget as well as some authority to curb the "alienated financial power" of the top generals.

In spite of such initial steps towards altering the relationship between the VJ and the executive at federal level, the federal Ministry of Defence continues to be treated as an "appendage" of the VJ or an organ through which it communicates with the government; this means that military power is still far more in the hands of the narrow Supreme Defence Council (which operates with difficulty on account of sporadic obstruction by the Montenegrin president) and of the General Staff, and far less under the constant control of the Government and Parliament. This unreformed, almost autonomous power of the VJ is partly to blame for the continual sabotage of the FRY's co-operation with the Hague tribunal, for the existence of special operations units (previously engaged most frequently during the conflict in the former Yugoslavia as well as used to bring political pressure to bear at home) which continue to enjoy a special status in the VJ. Furthermore, it seems rather absurd that an organization wielding so much power should be in a position itself to promote its own reform project, for one cannot help doubting its good intentions. After all, the very draft reform project is mostly concerned with "internal" military issues, and it says next to nothing concerning the future conduct of the VJ and the "civil control" arrangements envisaged. The arrangements put forward so far to keep the conduct of the VJ under "parliamentary control" have therefore been more in line with the old state of affairs than with modern concepts.

Serbia has another major similar problem, namely that of a basically still unreformed police force, or rather of a State Security Service formally placed under the control of the Ministry of Internal Affairs and the appropriate Parliamentary committee; however, as last autumn's unexplained mutiny of the Red Berets special operations police unit has shown, their formal decisions have been without much effect. Although the Serbian Government has condemned the unit's public show of insubordination as well as transferred the unit from the State Security to the Public Security Department (and replaced its commanding officer), the unit itself remains intact; however, since the leaders of the mutiny have issued a statement saying they disagree with the Government's decisions, it remains unclear who is actually in command of the unit. The Red Berets continue to regard themselves as a "partner" of the Serbian Government; and, as they seem to be backed by similar VJ units (and, of course, by the former Milosevic war lobby), as well as by the not inconsiderably powerful "private armies" of certain (living or dead - it does not matter) war profiteers, one wonders whether Serbia is ruled by her Government or whether real power is still in the hands of the "military-police Mafia".

The powerlessness of the Serbian Government to place under the control of the Ministry of Internal Affairs the whole State Security sector, including its special operations units (which were, like those of the VJ, frequently used in the wars on the territory of the former Yugoslavia as well as to deal with internal tensions during the Milosevic era) is reflected by the fact that the Serbian Government is setting up (pursuant to a decision taken on 11 January 2002) a Supreme State Security Council to be presided over by Prime Minister Dr Zoran Djindjic and to comprise the deputy prime ministers and members of the Government (this provision is absurd because the Government already enjoys the powers about to be vested in the Council). As Dr Djindjic said himself, the Council will represent a "temporary solution" to control of the secret police, i.e. the State Security sector, "pending reforms to ensure systematic control of all the services". He has

two choices at present: to form new “special units” loyal to the Government which would be stronger than the existing ones, or to try really to fundamentally reform the political police.

Although the Serbian Government made public its (incomplete) report on the Red Berets mutiny only two months after the event (a sign that the mutiny had not been suppressed), Djindjic’s statement might mean that he is gradually abandoning the idea of talking over the State Security Service and that he prefers to reform it fundamentally; there is a rivalry between two factions within the DOS over control of the service, the group around Djindjic not being as powerful as that supporting Kostunica in this regard.

The very procrastination to reform the police force, especially the “political police”, indicates that the problem runs much deeper than mere rivalry between the new political power-centres over the chief instrument of coercion in internal affairs, for without reforming the police force as a whole, including the position of the State Security Service within the force and outside it, it is not possible to embark upon effective transition of some breadth in Serbia and the FRY. One cannot get to the bottom of the problem of reforming the State Security Service in Serbia without being fully aware of the traditionally huge role the Service has played in the key spheres of the social and particularly economic life; this role remains undiminished since the October 5 coup when, in the opinion of many, the Service opened the door to “democratic change” by refusing to obey Milosevic.

The notion was thus created (or the truth merely laid bare) that because the Service had a considerable foothold in former opposition parties in Serbia, the new authorities are now under the obligation to “preserve” the Service or, rather, its dominant role of keeping current political (and not only political) processes under control. In any case, furtive activities of the Service seem to be the only explanation for the fact that under Milosevic some modern pieces of legislation failed to produce expected positive results in many social spheres (particularly in the economy); likewise, although some institutions were formally independent in accordance with European criteria, they never enjoyed such independence in practice (for instance, because the National Bank of Yugoslavia never exercised its nominal independence, it is hard to understand or expose the whole inflation-generating mechanism it directed).

In this connection, the decision of the Serbian Government (under a decree passed in May 2001) to allow all who believed they had a secret police file to inspect it gave rise to all kinds of doubts; as it turned out, a great many of those who responded were told that they had no file, the highly improbable implication being that only a very narrow circle had been processed by Milosevic’s police throughout the 1990s. This insincere gesture to reassure people that at least they had not been subject to police surveillance did very little to lessen the authorities’ extra-institutional interference with current decisions of social and economic institutions, severely curbing the free operation of those which have been reformed or form part of normatively reformed systems. In a word, no reform stands a chance of producing hoped-for effects unless the old practice of covert police interference with the life of society and the work of its institutions is brought to an end.

The Paralysis of the Judiciary

The paradoxes of the drive to “reform Serbia” are most conspicuous in the judicial system: although, as the first year since the October 5 coup draws to an end, the system stands normatively reformed (in accordance with a package of new jurisdictional laws passed in October 2001) as well as somewhat reinvigorated through new personnel (the rate at which the judiciary is being reformed having been accorded high marks by European Union experts), little has changed in terms of its efficiency, impartiality, and credibility. It is obvious that the centres of political power continue to have a firm hold over the prosecution authorities through traditional “informal” channels, thus exerting a corrective influence on social and economic life through judicial control; it is equally obvious that judicial prosecution of the “Milosevic legacy” - war crimes, abuse of political and State power, theft of State, public, and private property - has failed dismally to materialize. While the police (i.e. the investigating organs) and the prosecuting authorities continue to accuse each other of failing to secure the evidence of crimes committed during the Milosevic era, there is mounting evidence that the latter, who are still under enormous government pressure or too inert to take action unless prodded by politicians, are more to blame; furthermore, power is now in the hands of a large coalition the majority of whose members collaborated with Milosevic at some time or other, were corrupt or “preventively compromised” over their participation in various misdeeds of the “old regime”. It is mostly for this reason that practically no criminal investigation has been completed of Milosevic’s chief collaborators who appear immune against legal punishment; this discourages every proponent of reform, adds to the moral dilemma about who is to bear the burden and cost of reform, and creates the impression that reform is a

new manipulation by the political superstructure bent merely of substituting one set of beneficiaries of political power for another.

The main prerequisite of a reformed judiciary - depolitization - is almost impossible to fulfil because there has been no complete and scrupulous "re-installation" of judicial personnel, the majority of judges having brought discredit upon themselves during Milosevic's rule; old and new judges being screened for "worthiness or unworthiness" are still subject to the selection rules laid down by the "party State", the only difference now being that each member of the ruling coalition is pushing its own candidate and has its own notions about "fitness". Although the new statutory provisions now make it possible to replace judicial personnel - a legal manoeuvre designed to re-constitute district courts provides for the lustration of the most discredited judges, i.e. those who had hitherto been irreplaceable and irremovable - they do not require that specific reasons be given for removing a judge, apparently because such practice would bring to light the methods Milosevic used to manipulate the judiciary.

Judicial reforms having been highly commended by European Union experts, those concerning the legislative body however are the result of a compromise between the Kostunica and Djindjic camps and leave much to be desired from a purely professional view: the fact that the new legal texts constitute a compilation of proposals by advocates of old and new concepts is best seen in the survival of a strong centralization of the entire judiciary (for example, the single Court of Appeal has offices only in Novi Sad, Nis, and Kragujevac); in the avoidance in the new judicial package to regulate the new procedure for enforcing judicial decisions; and even in its declarative quality (e.g., a provision stipulates that judicial decisions must be respected "especially by the executive authorities"). That both executive and legislative power remain, in various ways, "superior" to judicial power, can be seen in the disinclination to regulate the so-called "judiciary budget", which would make the judiciary less dependent on the Government.

To sum up, the judicial system, which in principle plays the main part in implementing the reform laws, has so far been most frequently the obstacle to every attempt at reform; besides occasionally cancelling new arrangements in favour of old, it still does not offer guarantees that transition will be protected in the long term, nor does it fully ensure the necessary "legal security and discipline" on which every civil order rests.

The International Community Finances Reforms

Notwithstanding all the foregoing handicaps which threaten to choke off transition in Serbia, it may be said that the preconditions for genuine economic reform are gradually being created, and that the period ahead will be a test of how well they have been founded and whether they alone are sufficient to resuscitate the Serbian economy to any extent. The two principal generators of economic reform in Serbia are: opening up to international economic institutions; and abandoning the inflationary model of survival (actually, the "programmed redistribution" of the national wealth). In practical terms, these two generators of economic change hinge on the constant influx of foreign financial support and on a stable domestic currency, the combined effects of which should make possible a "restructuring" of the Serbian economy. Of course, the authorities have pointedly been avoiding admitting in public that domestic economic reform is partly financed by the international community; but this is clear both to the proponents of reform and to their opponents, who are already trumpeting forth that the old system is being sold off to appease the appetites of the "globalists".

In appraising the course of economic reforms undertaken by the new Government, one must bear in mind the fact that the first DOS Government in Belgrade was formed only at the beginning of November 2000 (this was the federal Government, which has fewer economic prerogatives than the republican governments), as well as that the Serbian Government was constituted only at the end of January 2001. Furthermore, these governments inherited an external debt of more than 12 billion USD, of which 10 billion USD was already due for repayment; also, the internal public debt was in excess of 10 billion USD, reaching 12.5 billion USD or 875 billion dinars in April 2001. In other words, the FRY is weighed down by over 20 billion USD in unregulated public debt.

It must not be forgotten either that in Serbia the eighteen months since October 5 saw a decline in output, that agricultural production slumped as a result of severe draught, and that the power industry was in disarray. In 2000, exports plummeted to 1.7 billion USD, the trade deficit rose to 2.1 billion USD, and the balance of payments current deficit increased to 1.3 billion USD. Of the 2.5 million or so nominally employed, some 400,000 were on "paid involuntary leave", the total surplus workforce being calculated at some 630,000. Such work as was available was poorly paid (the average monthly wage falling below 100 DEM), so the small actively employed workforce had to support over 1,000,000 pensioners as well as some of the 800,000 or so in permanent

employment (though most of them earned a living in the “grey economy” sector). This brief survey of the economic situation inherited by the new Government would be incomplete without mentioning fact that Milosevic owed the International Monetary Fund some 165 million USD and the World Bank some 1.7 billion USD before international sanctions were imposed against the country, the debt being a formal obstacle to the readmission of the FRY to these institutions. On top of that, the banking sector had an adverse balance of 5.3 billion USD.

In so difficult a situation, it was essential to stabilize the economy on a most elementary level as a precondition of economic reform; so foreign finance and goods were dispatched as a sort of political backing of the new government. First, at the end of 2000, the FRY was flooded with stopgap aid in money, electricity, fuel, and basic equipment; then, foreign loans were released to enable the FRY to rejoin the IMF at end of December 2000; and, in April 2001, the IMF Board of Directors approved a letter of intent of the FRY Government envisaging a rather loose schedule of adjusting current economic policy to reform models. Early in 2001 the US President signed an executive order removing the outer wall of sanctions on Serbia. This was followed by the release of foreign donations and short-term loans to cover basic budget needs, the EU approving some 650 million EUR and the United States 115 million USD.

At the end of May 2001, a break-through was achieved under international pressure in former Yugoslavia succession talks, resulting in the effective distribution of nearly 500 million USD worth in gold, securities, and money deposits with the Basle Bank for International Settlements. At the beginning of June, a standby arrangement with the IMF extended 260 million USD in credit to the FRY, followed by a further 1.28 billion USD in various aid approved at a donors' conference in Brussels. At the same time, arrangements were made enabling the FRY to cover its debt to the World Bank (1.7 billion USD) by credit in order to gain access to various loans. In November 2001, under a favourable agreement between a FRY delegation and the Paris Club of creditor states the country's debt to the Club was reduced from 4.8 billion USD to 1.8 billion USD, 66 per cent of it having been written off (the debt servicing arrangements were also favourable, requiring the FRY to pay back 50 million USD in the first year and continue with 100 million a year thereafter).

As a result of the foregoing, a total of some 700 million EUR was realized during 2001 and was channelled as follows: energy, about 200 million; farming, 110 million; welfare, about 85 million; health, 40 million; and as much as 85 million to cover the budget deficit. The year will be taken as a point of reference for estimating the dynamics of foreign support in the next three-year period.

It ought to be stressed that although there was much talk of Western economic support being conditional on constant political concessions, the FRY was granted all this money while fulfilling relatively few of its political commitments: of the FRY citizens sought by the Hague tribunal, only Slobodan Milosevic has been arrested and transferred to it, and a frequently announced law on co-operation with the tribunal is yet to be adopted; the FRY has normalized diplomatic relations with former SRFY republics and has abandoned in its succession talks with these newly-established states its claim to sole continuity with the defunct federation; it has allegedly stopped financing the RS Army directly in defiance of the Sarajevo Government; and it has persuaded most Kosovo Serbs to vote in the provincial parliamentary elections. All the other “concessions” belong in the strict sphere of economic reform and are part of the normal business terms of world financial institutions; as the new authorities have already made reference to these terms in their programme, there is no reason why they should be looked upon as outside pressure.

Given that foreign financial assistance has both ensured the “survival” of the population - or, rather, that of the DOS in Serbia and the Democratic Party of Socialists of President Milo Djukanovic in Montenegro - and made it possible to make a start on reforms, there is now no excuse for the new Government to delay. However, many of these reforms are being put off; the exaggeration on the part of politicians and media of the problems associated with unpopular reform moves suggests that while a segment of the ruling democratic is obstructing progress, another is trying to drive a better bargain with the international community. It appears that reforms would have been even slower if foreign economic support had been less; so it may be said that such steps as have been taken were forced by the international community.

Trying to Sort out Fiscal Affairs Without Fiscal Reform

Following in the footsteps of countries already undergoing transition, the new Serbian Government set out first of all to solve the problems of public revenue and budget expenditure. However, Serbia's agile Minister of Finance, Bozidar Djelic, launched into sorting out public finances without at the same time undertaking thorough fiscal reform; he was probably afraid that a “shock therapy” in the domain of public spending in a state where state administration and public

sector account for two-thirds of regular incomes might expose the new Government to too great a risk. This accounts for the fact that the new Serbian Government - composed of oppositionists who had for years been criticizing the nationalization of the whole economic life of the republic - increased its first budget (for 2001) by nearly 150 per cent compared with the one in force in the last year of Milosevic's rule (the increase was some 25 per cent in real terms, prices having risen some 120 per cent annually). The Serbian budget of some 2 billion USD, combined with the federal budget, which is provided solely by Serbia, worked out at some 2.4 billion USD, a sum apparently far in excess of Serbia's current "fiscal capacity". As the budget was nevertheless realized (the Serbian Parliament was never informed about the details) with substantial foreign backing, aggressive tax collection continues - the adopted Serbian budget for 2002 comes to some 3.3 billion USD, an increase of 70 per cent from the year before, when prices rose about 40 per cent; this time, the combined Serbian and federal budgets exceed 4 billion USD. (It should be noted that under Milosevic, the two budgets reached 4 billion USD in each 1996 and 1997.) While the projected Serbian budget deficit for 2001 was 200 million USD, the one for 2001 is three times that figure - 580 million USD.

The above figures show plainly that the new Government is still doing nothing to unburden the State budget and very little towards reforming the whole domain of public expenditure (in view of the huge current Pension Fund deficits, it is illogical that preparations for separating the Fund and the budget should still be held up at the level of expert groups; in other words, other than raising the retirement age from 60 to 63 years for men and from 55 to 58 years for women the better to cope with a predicted even worse Pension Fund deficit, the work is still in the preliminary stage of theoretic discussion.).

In fact, Serbia's first two combined republican-federal budgets could be regarded as an austerity budget because the Serbian Government has not been able to curtail through reform the existing entitlements of budget beneficiaries at republican and federal levels. Admittedly, a package of measures adopted in 2001 has partly been successful in evening out tax rates, streamlining the method of profits, turnover, and foreign trade taxation, reducing and modernizing the taxation of monthly salaries for fiscal purposes (by basing calculations on gross monthly salaries), stepping up tax control, and tightening fiscal discipline. The reform follow-up being announced consists above all in modernizing the use of budget funds and their better protection against manipulation through corruption. Nonetheless, it is doubtful whether the fiscal sphere has fully been reformed: for example, the introduction of a single value added tax is still being postponed, the predominant current method being indirect taxation; and the authorities still shirk from stepping up direct taxation of the more well-to-do groups of citizens.

In connection with fiscal reform, the Government has made much of its instruments designed to tighten discipline in taxation, especially to collect more money through taxes and customs duties on so-called excise goods (imported cigarettes, petrol, drink, and coffee). A decree passed in March 2001 gives the Serbian Government a virtual monopoly of oil and oil products imports, especially because these goods may now be imported only through the Yugoslav Pipeline with government permission, as well as because the fiscal charges on imported oil products must be paid in advance (i.e. on having been processed at domestic refineries). Another similar decree is intended to improve control of the collection of fiscal dues on cigarettes and other imported goods other than those proceeding to Kosovo, which has given rise to suspicions that the Government has left its confidants elbowroom for smuggling. When all is said and done, such government measures can hardly be termed reformatory because they change nothing in the tax system; however, they go some way towards reducing tax abuse and spreading the tax burden more evenly.

It appears that the flaws of basic fiscal reform ought to have been compensated for, at least on a political level, by the one-off tax on "extra profit" and "extra property" voted in June 2001 under a special law with retroactive effect designed to let the State take "fiscal revenge" against the stratum of profiteers from the ranks of the Milosevic regime who had grown rich by taking advantage during the past decade of their "lawful" privileges and legalized absurdities in the domain of economic policy. The law, announced and promoted by Prime Minister Djindjic, effectively became part of the Serbian Government's policy. In order that the law could become effective, a Government commission to investigate cases of economic malpractice had been set up before the law was enacted to determine the appropriate "tax base". The work of the commission has been subject to heated political controversy and is far from being complete; the commission is now presided over by a member of New Democracy, a party whose supporters include members of the profiteer clans and, needless to say, operates under the umbrella of its president, the Minister of Internal Affairs, who is now saying that the "public is not in the mood" to see this anti-profiteering law enforced to the last.

Some of the cases of profiteering and enjoyment of unfair privileges in connection with “grey” and allegedly lawful printing of dinars in the early 1990s had been completed by July 2001 and a tax base determined accordingly during August and September. It was calculated that some 7.5 billion DEM should be collected from privileged companies and individuals on a tax base of 8.3 billion DEM. As the National Bank of Yugoslavia (NBJ) Governor, Mladjan Dinkic, disclosed at the time, those covered by the tax base included 246 companies which had realized nearly 4 billion DEM in extra profits; in addition to this were those - mostly unidentified individuals - who had received from Milosevic’s banks more than 4.3 billion DEM in pecuniary gifts. They remain anonymous to this day because complete documentation has practically been destroyed which throws light on foreign trade privileges concerning the import of the most profitable goods: petrol, medicines, cigarettes, alcoholic drink, and coffee (at the moment experts are poring over the minutes of competent bodies of the federal and republican ministries of foreign and home trade). Housing privileges have more or less been investigated and a tax base prescribed.

Although it is still too early to say whether the one-off tax on extra profit will be followed through and what effects it will achieve in view of the fact that a mere 25 million DEM or so has been collected in tax in the first three months of the law’s application (the initial estimate of some 700 million DEM being, no doubt, excessively optimistic), the Government is unlikely to give up too easily because a surrender to the profiteering lobby would destroy its credibility.

Monetary and Banking Reforms

Notwithstanding the poor marks given by European experts to the monetary reforms, momentous changes have been effected in this domain. The low marks are probably due to the fact that the monetary system under Milosevic was nominally fairly well ordered; but, since all transactions were actually conducted outside the system, the new monetary authorities led by NBJ Governor Mladjan Dinkic have had to carry out fundamental reforms in conditions dictated by the situation on the ground. True, even in Milosevic’s time the exchange rate of the dinar was determined by inter-bank agreement on the basis of foreign exchange supply and demand; however, the bankers either did not meet at all, or the rate was fixed in line with informal arrangements on foreign exchange allocation backed by political decision, the result being that the dinar was overvalued by 500-600 per cent for a number of years, making possible unbelievable underhand deals involving state foreign exchange reserves and credits in newly-printed currency. Likewise, the Central Bank under Milosevic also had the power, in controlling a bank’s operation, to order the bank strictly to cover its risky loans by “reserve funds” or, failing this, to order the bank’s liquidation; but since the former monetary authorities were powerless to take such action, the banking sector ended up saddled with 5 billion USD in dubious assets (according to CES Mekon, dubious assets accounted for over 75 per cent of the value of loans).

In view of the above considerations, the argument that the new monetary authorities constituted after October 5 set about sorting out the banking system on the basis of an old law does not carry much weight. By deciding to abide by the existing legislation only, the authorities may arguably have effected the most important reform in the economic system of Serbia, for they have “reformed” one of the key precepts of Milosevic’s rule, namely that laws are there only for display, while business is done under the counter. By merely applying the old, somewhat amended law, the new monetary authorities have liquidated twenty-one banks in Serbia - including the four biggest commercial banks operating as pseudo joint-stock companies - within only a year.

It has been pointed out that by liquidating these banks and by other administrative measures the NBJ has annulled some bank ownership rights, not only of fictitious owners (companies who had built up a holding in a bank on the basis of fictitious loans obtained from the same bank), but also of those who had paid for their shares in real capital. Nevertheless, this price of “legal insecurity” had to be paid in order to wipe the slate clean for genuine and transparent bank privatisation.

The steps taken by the NBJ - including measured granting of operating concessions to new, foreign banks (belonging to three European banking systems) in Serbia, letting others take over existing banks (e.g. the Kontinental banka of Novi Sad take-over by Slovenia), and extending NBJ guarantees for foreign-exchange savings deposits - have somewhat revived confidence in the Serbian banking system (foreign-exchange savings have risen from some 10 million DEM to over 150 million DEM, and some 50 million EUR was deposited in savings accounts following ten days of exchanging various European currencies for the new European currency).

In the monetary sphere, controlled fluctuation of the dinar’s exchange rate in the fourteen months after the domestic currency’s radical devaluation early in November 2000 kept within a margin of under 1 per cent, which is the best indicator of a tight monetary policy; and in 2001 real money supply increased by about 100 per cent to nearly 1 billion EUR at present. Such a large

increase in money supply was due to an increase in foreign currency reserves, from less than 400 million USD on 5 October 2000 to over 1 billion USD at the end of 2001.

Nevertheless, the facts that the NBJ has not succeeded in lowering running interest appreciably, that the internal financial market still plays a marginal role (although it is institutionally founded and although it has floated an "old savings" bond issue covering part of the State debt to the savers), and that financial discipline is still very loose (reflected by the recurrent high level of uncovered claims), indicates that reform in the monetary and banking spheres cannot be completed without first rehabilitating and privatising the Serbian economy and stabilizing the legal system as a whole.

Privatisation Between Well-conceived Institutions and Reality

The chief piece of reform legislature in Serbia is the new Law on Privatisation adopted in June 2001. The choice of privatisation model was dictated by the need to attract as much fresh foreign investment as possible because Serbia lacks privatisation capital. With this end in view, Milosevic's Law on Ownership Transformation, based on a model of free, insider privatisation, was replaced with a model envisaging the sale of "socially-owned" enterprises (actually, the sale of companies to foreigners).

Under the Milosevic law, as much as 60 per cent of a company's capital would be owned by the company's employees or those previously employed elsewhere in the public sector, with the proviso that they could not sell off their holdings in the first two years. The present Law, however, empowers the Serbian Government, i.e. its Privatisation Agency, to sell off 70 per cent of a company at a price allegedly formed by free bidding through various tenders and auctions. At present, up to 30 per cent of a company's capital may be distributed to employees free of charge if the company is privatised at once; otherwise, this percentage is reduced to 10 per cent if privatisation takes place in the next three years. The novelty of the Law is the provision that the Serbian Government must pay the proceeds into the republican budget, with only 25 per cent of the proceeds (or 17.5 per cent of the sum for which the whole company is sold) being spent specifically: 10 per cent to be paid into the Pension Fund, 5 per cent to be used for restitution of formerly nationalized property, 5 per cent to be invested in infrastructure in the vicinity of the company, and 5 per cent to be placed at the disposal of the local self-government.

The chief objection raised in the debate on the new privatisation model so far has been that the Serbian Government has indirectly "re-nationalized" most of the Republic's capital and centralized disposal of privatisation proceeds. Actually, the Djindjic cabinet has monopolized, through the appropriate ministry and its institutions, the whole privatisation process and gained immense power which the alleged transparency of tender sales and auction investments will not be able to diminish. The process of so-called market pricing of companies is also for the most part under Serbian Government control; by specifying tender conditions the Government may, for example, select prospective buyers in advance or indirectly control the margin within which each company is sold off, thus effectively reducing a sale to a direct bargain. Having arrogated to themselves the right to dispose of the capital created by millions of citizens, Djindjic and his ministers have also shouldered enormous responsibility because their dreams about foreigners rushing to buy Serbian factories at high prices have proved too optimistic; the recent sale of three Serbian cement works with a combined capacity of some 3 million tonnes of cement a year bears witness to the unsoundness of such expectations, the post-tender promise being: 140 million USD for 70 per cent of the works' capital; 56 million USD to cover the works' previous liabilities; and 146 million USD for investment over the next five years (in reconstruction and welfare programmes). In all probability, the Serbian Government will soon have to cope with a wave of popular discontent, after the citizens have realized that Serbian companies are worth very little, as well as that the Government is by definition a poor investor and an avid consumer of meagre privatisation proceeds.

A General Appraisal of Economic Reforms

Although economic reforms have only just begun - for their highest price in the form of an upsurge in unemployment and slow recovery of economic activity is yet to be paid - it seems that the passivity and inertia of the old system have largely been shaken off. For this reason, any attempt to halt reform would carry as much risk as that to accelerate it. To put it simply: difficult as it was to move off dead-centre, it would be just as injurious politically to bring everything to a halt, for once economic changes have been set in motion, their reversal is either impossible or ends in disaster.

The main obstacles to economic reform remain lack of security resulting from the defects of the legal system and the conservative nature of the leading political ideas, which as a rule presuppose the dominant role of the State in the economic life of the country.

Economic and social rights

1. Statistics

The first transition year in Serbia caused a quake-like effects on all planes. But such an assessment is not essentially negative. Process of transition, to put it simply, represents a fundamental overhaul of society and replacement of an old and unsuccessful system with a more efficient and prospective one. In such a process shake-ups are inevitable and inherent, but only if they lead to achievement of the ultimate goal. If the goal is clearly defined, and consensus in the society broad, then the process is accelerated and painless. On the contrary, transition shall be slow and difficult, and its end-result-uncertain.

Serbian's transition is long-delayed (for at least a decade), after four wars, a bankrupt economy and devastated institutions of system. In such a situation the Serb government had to take on the role of both reformer, and a genuine educator and enlightener. Difficult financial/economic situation, plundered companies, depleted resources, turned out to be a lesser problem than the human factor. Encouraged by a double electoral victory in late 2000, DOS equalised the electoral backing with unlimited backing of reforms. It was one of the major blunders and illusions of government and Prime Minister, for they soon faced a wave of strikes and protests of the very citizens who had brought them to power. On the other hand citizens of Serbia also realised that the new authorities did not intend to make a clean break with the much-hated practice of their predecessors, and to make a radial turnaround by taking the people and country along the road of recovery. In fact reforms are in their initial stage, because last year was marked by a lot of water- testing and pulse-taking and jockeying for power of those who should be partners in the same job. However, some important moves were made and reforms were jump-started, but many things should have been done differently and in a better way.

Statistical data on economic trends and living standards in the course of 2001 do not indicate a major growth, but such expectations would have been unrealistic. At the end of the first quarter price hikes neared 7.7% and livings costs 7.2%. When compared to March 2000, prices rose by 118% (*Vecernje Novosti*, 30 March). Market Research Institute warns that the business climate in the country has not improved, that losses are still great, liquidity has worsened, production has dropped, while fiscal obligations have increased. In March the buying power of population rose 28% when compared to February 2001, and 5.7% when compared to March 2000. Encouraging was also a 46.9% rise in exports when compared to February 2001 (*Danas*, 26-27 April). According to data released by Economic Institute the rate of inflation in the first 6 months was 23%, while costs of living grew by 26.5%. Average net pay in June was DM 162 (Economic Barometer, 24 July). The same organisation notes that the post-third quarter inflation stood at 37%, while Nebojsa Savic of Economic Institute maintains that its "real" value was 9%, and that the higher percentage of inflation was caused by removal of price disparity. Regardless of a 5.5% growth of industrial output in September (when compared to August), total output in the first 9 months fell by 3.5%, while average pay in the Republic was by 1.4% higher than the one registered in August (Economic Barometer, 26 October). Institute G 17+ in early September published results of its findings on living standard trends. The survey covered about 2,000 families in Serbia. Over 40% of the respondents thought that their economic situation in the last 6 months got worse, but blamed for that the previous regime; 50% of the polled did not feel any difference in their standard of living, and only 10% maintained that their standard was better than 6 months ago. Young and educated people from urban milieus enthused over the reforms. The also express optimism over economic trends in the next 2-3 years (Bulletin of G17+, 1 September 2001). The last data released by the Republican Institute for Labour Market (September 20001) denote a continuing fall of employment. In September there were 1,882,280 employed persons, or 0.4% less than in the same month last year. Of that number 78.1% were employed in industry and 2.9% in extra-industrial branches. It is assessed that 616,000 persons are employed in the zone of grey economy, that is the majority of those on forced leaves, and a lesser number of unemployed. Although in the first 9 months of 2001 20.7% more jobs were created than in the same period last year, only 72.7% of those jobs were "covered" by new employees, all of which indicates a large disparity between the needs of industry undergoing restructuring and the existing cadres (*Danas*, 19 September). As this process is likely to intensify in the next year, the aforementioned fact is

likely to constitute a major hindrance and an additional burden on the existing social funds. Having in mind a very difficult situation in the society, the Social Issues Ministry had done a study which contains very alarming findings: over one third of citizens of Serbia (36.5% or 2 million people) have earnings under \$ 30. Half of them earn monthly less than \$ 20 and they belong to the category of "absolutely poor people". Urban population is hardest hit by poverty-over 40% of them earn less than \$ 30, and 22% less than \$ 20 (*Danas*, 20 December)

As Serbia is yet to face problems of the transition-related recession (along with the existing, difficult social situation) the number of socially vulnerable categories is likely to grow, whereby the ability of social funds to ensure at least minimum welfare to its beneficiaries shall have a major impact on the further course of reforms. One third of the 2002 budget is allocated to social needs, along with additional interventions in the shape of foreign donations. Numerous international donors are to be credited with ensuring the survival of the government in the first year of reforms. Strict control of inflation and small productivity, along with measures aimed at reducing disparity between prices of commodities and services, have negatively affected living standards of the majority of citizens. Social Issues Ministry succeeded in meeting all its regular obligations, and thanks to donations outstanding debts were paid off. British and Swiss governments repaid debts concerning family protection (funds were late 26 months) while the US offered short-term assistance to retirees with the lowest pensions to the tune of 2.200 dinars, and 32 months-long payment for the right to medical care at home. Thanks to donation of the Norwegian government children benefits were paid. But it is clear that only the jump-start of output and better employment can lead to stabilisation of economy, and in a few years time to better living standards. Until then the Serbian authorities shall continually face resistance, and even growing dissatisfaction of the employed, who are likely to pay the high price of privatisation.

Although economic recovery represents the basis and prerequisite of successful reforms (Prime Minister Djindjic proclaimed economic recovery and jump-start of industry top priority of his government), absence of a clean break with the practice of the former regime became a major hurdle in the said strategy. Poor personnel policy, party bias, "party merits" in appointment to high-ranking positions, frequent runs-in, conflicting positions on major issues within DOS, protection of leading officials of the past regime and even their amnesty, irresponsible treatment of international commitments and shunning of responsibility have determined the course of the first transition year and set the future reform guidelines. Regardless of an unstable and complicated political situation in the country and region, and onerous legacy on all levels of the state and social order, representatives of authorities in the forthcoming period shall have to reach a political deal on the way of implementation of reforms and its ultimate goals, that is, provide answers to question to which they should have had answers long before the famous 5 October. Consequences of delay are already very serious.

II Legal Regulations

Legislative work of Serbian Parliament began in March 2001 with much filibustering and opposition and protests.

Adoption of the package of laws in late March was the cause of the first major conflict between "the world of labour" and the newly-elected authorities. Although the Finance Minister Bozidar Djelic had been trying for weeks to explain the necessity for and benefits of the reform of fiscal system, Independent Trade Union of Serbia and Trade Union "Nezavisnost" announced a series of strikes on grounds of "wrong adoption of laws detrimental to financial and social standing of workers" (Radomir Smiljanic, President of the ITUS) and "refusal of government to establish a dialogue with trade-unions (Branislav Canak, President of "Nezavisnost".) A warning strike was scheduled for 30 March, and ITUS assessed that "one million workers Serbia-wide would take part in an hour-long work stoppage" (*Blic*, 30 March) As the strike unfolded in workplaces it was impossible to check the veracity of ITUS statement that 730,000 employees took part in it (*Danas*, 31 March-1 April) or assertions of government that the strike failed because of a low turn-out. Minister Djelic tried to correct wrong government's treatment of trade-unions. Namely at his meeting with ITUS representatives on 5 April it was agreed to embark upon a dialogue with more mutual respect. Growing social tensions and frequent strikes compelled Prime Minister to propose to major trade unions (ITUS, "Nezavisnost" and Association of Free Trade Unions) signing of a special "social compact" between government, trade unions and employers. At the meeting held on 21 April concrete forms of co-operation between government and trade union representatives were agreed, notably regarding laws having a major bearing on financial and social status of industrial workers, farmers and retirees. But that dialogue was rather short-lived, as both sides "revived" it only when their positions were threatened.

In the spring of 2001 parliament adopted a host of laws, but trade unions were mostly interested in Amendments to the Law on Labour Relations, and the Act on Salaries in Public Services and State Bodies. Introduction of gross pays was a topic of many discussions, notably because of workers' fear that they might be deprived of hot meal allowance, holiday bonus and field work allowance. The former became also a major technical problem. This prompted the government to set up commissions and stage seminars to train employees and clerks of accounting services. New system of payment did not derogate rights of employees, on the contrary it increased security of workers and ensured new revenues for the social functions of the state. However payment of bigger salaries is a good incentive in prosperous companies, but not in the ailing ones (and most companies belong to that category). In other words because of obligation of employers to pay contributions to mandatory social insurance funds, a large number of companies was compelled to discontinue payment of salaries (which this law allows.) But it shall also force companies to fight for their survival and with the passage of time only successful companies shall remain. But in that process the state shall profit most for it shall get a lot of money, thousands of bankrupt socially-owned companies shall be liquidated, and their remaining property shall ultimately become the state ownership. It also bears saying that some of those ailing companies, if given the right incentives, could become successful again. Moreover one must pose the question whether the state shall be able to ensure a sufficient number of workplaces/jobs for all those workers who shall shortly become redundant.

By assuming the obligation to determine pays of civil servants (in lieu of a highly compromised system of collective compacts) the government also took on the obligation to negotiate with traditionally disgruntled cadres, notably educational and health workers. Idea to categorise employees in pay brackets/scales according to their professions, jobs and titles, thus equalising criteria for beneficiaries financed from the same sources, was met with a stiff resistance of trade unions of social activities. After abortive negotiations the government renounced pay brackets/scales and warned trade unions that they would have to assume responsibility for big and illogical differences which exist between beneficiaries. Pay brackets/scales were assessed as a genuine "equalisation trap" and objections to mentioned differences have already been raised.

One of the basic acts from the so-called "reform package", the Act on Labour provoked a veritable "war" between trade unions and government of Serbia. Although in the meantime both sides renounced their hard-line stands and started seeking a compromise, their several months-long conflicts in fact laid bare both trade union and state structures, while their dialogue was scaled down to a recognisable level of the "Balkans farce". Polemics surrounding the much-amended Act on Labour evolved into an open war, after its presentation in "Sava Centre" in mid-July. On behalf of ITUS Milenko Smiljanic threatened to withdraw from the social dialogue if the government did not replace Labour Minister Dragan Milovanovic and amend the Act anew. He also maintained that experts from his trade union did not have any say in drafting of the Bill, but were only "lectured" by representatives of government of Serbia (*Danas*, 18 July). However Slobodanka Brankovic, Vice President of ITUS, maintained that most objections of her trade-union were accepted and that the "Bill was in keeping with international conventions, and to a large extent acceptable". She also confirmed that an agreement was reached with representatives of government on formation of an Economic-Social Council to deal with issues of social protection and labour rights in the process of privatisation and that ITUS actively participated in its elaboration (*Politika*, 26 July). Union of Employers of Serbia backed the Bill despite its several controversial solutions, and maintained that representatives of all the interested sides were equally represented in elaboration of the Bill. Government's 27 July decision to reconcile conflicting stances and to kick-start the process of implementation of adopted privatisation regulations resulted in adoption of the Bill. This move was also intended to ease tensions during summer holidays and weaken influences of ITUS and compensate for the lack of support by other two major trade-unions. But the controversy continued and intensified in early October. In defending its stance that the former Law on Labour was better, while the proposed Bill curries favour with "capital" and harms workers, ITUS on 16 October staged a general strike. Riding on the crest of a series of other strikes ("Zastava", postal workers, miners) ITUS managed to animate a large number of uninformed and ignorant workers by convincing them that the Bill directly threatened their existence. Then a pragmatic Prime Minister Djindjic additionally irritated nervous and distrustful workers by proclaiming ITUS a protector of routed political forces and outdated relations. After 10 days of protest walks, street blockades, and merciless media campaign, negotiations, that is, fine-tuning of positions between MP clubs of DOS and trade union leaders began. And the shilly-shallying continued, until the final adoption of the Labour Act on 12 December. During several months-long polemics and public protests both sides manipulated hard facts and people, showed total lack of integrity and behaved in a very uncivilised and even rigid way. Demands of both sides frequently mirrored hidden intentions and interests of financial and

business groups. After all the developments (during which interests of workers were allegedly protected and advocated by the prime movers) many workers were confused regarding the nature of their achievements and the reason behind so many strikes. A statement of a Kragujevac worker best illustrates the stance of the majority: "They have abolished our self-management, they left us only our trade-union, but if the latter is abolished, we are ruined". (RTV Kragujevac, 18 October). After adoption of the Law Milenko Smiljanic stated that the "ITUS is quite satisfied...and we shall remain a "constructive opposition." (Danas, 13 December)

III Privatisation

Process of privatisation in Serbia is yet to start. However last year the legal groundwork was laid and analysis of financial standing of companies was done. Although in early stages government representatives maintained that the state would not embark on overhaul and recovery of large companies, they quickly changed their mind probably because of risk of social unrest and obvious disinterest of foreign investors in those gigantic companies employing an enormous number of workers. But new authorities and most citizens of Serbia quickly realised that due to heavy indebtedness of Serbian economy its recovery was not possible without foreign capital. Thus the government after its constitution tried to create a sound ambience in order to attract foreign investments.

The old Law on Property Transformation enabled former regime and its officials to "legally" plunder social property through gratis, majority worker's share-holding, which became manifest after the 5th October changeover, when a large number of companies embarked upon privatisation process. At the same time Commercial Courts passed a large number of liquidation decisions, which resulted in the suspension of the aforementioned law. UTIS was the only organisation which objected to that parliamentary move, for its argument was that "the stopped process of privatisation shall cause a large-scale legal insecurity". The other two major trade-unions backed the suspension of the old law. Although some public figures demanded adoption of the Act on Revision to cover 1999-late 2000 period, there were no serious debates on that topic. This was a strong signal that the "tycoons" of the former regime would remain "untouchables". Prime Minister Djindjic justified that stance of his by the state obligation to guarantee legal security of capital, but also promised prosecution and punishment of "war profiteers" and all those who had in an unlawful way amassed their wealth. But no such thing happened. Moreover pompously announced Act on Extra-Profit covered a small number of subjects, that is, ruined and bankrupt companies. Only one third of the planned collection of extra profit was realised. Recent announcements that the Act may be repealed, gave rise to suspicions that the final deal has been forged between representatives of the old and new authorities. If that suspicion is confirmed, it shall be a major blow to government's and notably Prime Minister's credibility, notably in view of imminent shutting down of many companies whose former directors are current members of the financial elite.

New Privatisation Act was adopted by the Serbian Parliament on 27 June together with the Act on Privatisation Agency and the Act on Shares Fund. The first Act envisages both auction and tender privatisation. The latter is expected to cover 150 large companies, while small and mid-size companies shall be privatised via auction. Tender privatisation shall be carried out by the Privatisation Agency, under control of the competent Ministry, tender commissions and public at large. Auction privatisation was decentralised to cover some 7,000 companies, though it is estimated that many of them shall not be liquidated. Privatisation and Industry Minister Aleksandar Vlahovic repeatedly stressed that the goal of privatisation was to attract inflow of foreign capital and jump-start industrial production via investments, instead of companies' sale. Vlahovic stated that fear of job losses was unjustified and maintained that "a strategic partner who buys a company must have a clear plan regarding the fate of all its employees in the next five years" (Danas, 22 June). It was also announced that privatisation would be transparent, mandatory and with limited duration. Although 280 amendments were proposed, the Act on Privatisation was adopted rather quickly and without much resistance. In mid-July "Financial Times" ran an ad inviting financial advisers and investment bankers to take part in tender documentation preparation competition, for the first 16 companies to be privatised under the auspices of the World Bank. According to Vlahovic another 11 companies shall be privatised in a similar fashion and in all of them interests has been shown by strategic partners. Among those slated for privatisation are most successful companies from chemical and metal complex-Zdravlje of Lekovac, Zorka-Pharma of Sabac, Kragujevac-based "Zupa", "Vulkan" and "Nisal" of Nis, Metal-Rolling Plant of Sevojno. But during presentation of privatisation program workers protested against the sale of successful companies. It is realistic to expect that redundant workers shall be more understanding that those who are still employed and enjoy all their rights. The gist of the

problem is in a deeply-entrenched and widely accepted Communist idea of socially-owned property, inalienable rights of workers, and workers' management and ownership of plants and equipment. Workers in Serbia have very obsolete ideas about labour and capital, and their fear of new economic relations and processes is due to their inability to see their own prospects in greatly changed circumstances. Part of management, fearing loss of leading positions and acquired benefits and privileges, also resists impending changes.

Presidency of Association of Trade Unions of Serbia adopted on 10 July "Declaration on Privatisation" and sent it to all trade union organisations as instructions to be used in the process of privatisation. Declaration envisages that "no company can be sold without prior agreement with trade union, the buyer is duty-bound to precisely state the number of workers to be laid off and employed, workers' salaries, and to pay salaries in arrears within the next 3 years" (*Politika*, 11 July).

Just a day later "Nezavisnost" trade union and its President Branislav Canak sent an open letter to the government of Serbia accusing it of further sidelining of trade-union and absence of social dialogue, along with the message "you shall need partners for responsibility-sharing", alluding to negative effects of impending privatisation (*Danas*, 12 July).

In order to distribute the burden of privatisation, on 1 August Agreement on Founding a Social-Economic Council was signed by Prime Minister Djindjic, Minister Vlahovic, representatives of trade union and employers. At the Council meeting on 16 October (during the ATUS strike) it was decided to set up a local network and working groups to efficiently and more rationally deal with issues related to protection of workers in the privatisation process. Milenko Smiljanic, President of UTUS bolted from the Council in sign of protest against the announced Act on Labour (*Danas*, 19 October).

How privatisation shall unfold shall be known in early 2002 when new owners take over cement plants in Beocin, Kosjeric and Novi Popovac. The aforementioned cement plants are the first companies to be successfully sold after announcement of international tender. At the 28 December press conference, Minister Vlahovic disclosed data relating to best offers. In each case 70% of capital was sold, along with obligation of additional investment, all obligations foreseen under social program were accepted, likewise companies' debts. The most important clause for the employed is the one which guarantees that they shall keep their jobs in the next five years. This means that the new owners have taken on commitment to "sustain" over half employed, and to subsidise professional/vocational re-training of workers. Tender offers also contained clauses related to pay rises, stimulation of workers on the basis of bonus calculated from the net profit of companies, housing policy and investments into local self-rule (*Danas*, 29-30 December). French "Lafarge" is the new owner of Beocin Cement Plant, Swiss "Holcim" of Novi Popovac Cement Plant, and Greek "Titan" of the one in Kosjeric. Future performances of cement plants and status of their employees shall enable the first realistic estimates of the reach, problems and possibilities of privatisation in Serbia. If those assessments are positive, it will be a major incentive to many companies. What should be avoided at any costs is conflict of interests (either financial or political) on internal plane, similar to the one which had emerged in the case of Beocin Cement Plant. Parliament shall also have to urgently pass the Act on Foreign Investments and the Act on De-Nationalisation, although the adopted provisions back the orientation to financially compensate former companies owners, instead of physical reinstatement of their property, or giving them shares in the new ownership set-up.

IV Trade-Union Freedoms

1 Freedom of association and rallying

Although Milosevic regime repression belongs to the past, sporadic incidents and problems denote presence of traces of repression, in a more sophisticated and covert forms. Added to the general impression that trade-unions are safer and freer in the exercise of their rights, in the course of 2001 several cases of harassment, intimidation and physical assaults on trade-union activists were reported.

In early 2001 the newly-formed trade union of "Progres" Company was banned from holding meetings and trade union activities by the Acting Director. The trade-union protested against that decision (*Danas*, 3-4 February).

President of "Nezavisnost" trade union Branislav Canak on 5 February asked director of the Pirot-based company "Tigar" to suspend its decision on dismissal of worker Jovan Dimitrijevic and other 10 workers in Subotica municipality (on grounds of trade union activities) (*Glas javnosti*, 14 February).

Pressure was brought to bear on members of "Nezavisnost" because of intense activities of its members relating to collection of evidence about commercial crimes in many companies. Novica Radojcin, co-ordinator for regional offices, stated in early July that country-wide 500 trade-union workers were suspended, while an equal number was involved in corruption lawsuits filed against their companies (*Danas*, 6 July). In holding company "Rad" the president and an activist of trade union "Nezavisnost" were beaten up. No internal probe into this case was launched. That trade union has been for months accusing company's management of unlawful deals and operations (*Danas*, 10 July). Zoran Milojkovic, a trade union activist in the Nis region, stated that by mid-October four trade activists had been murdered. He linked those murders to uncovering of shady deals of the company's management (*Danas*, 18 October).

Trade union "Nezavisnost" admittedly in the early 2001 faced registration problems. In the past three months Labour and Employment Ministry blocked 500 demands for registration of "Nezavisnost". Because of that activists from pertinent companies had many problems with employers and also with the majority Independent Trade Union. As the Ministry in that period granted registration permits to Association of Trade Unions of Serbia within 7 days, "Nezavisnost" assessed the Ministry's and Minister's (Milovanovic) conduct as treatment as sheer obstruction (*Danas*, 9 March).

Intra-trade union relations were characterised by various forms of repression. ATUS from Vranje for example accused "Nezavisnost" of compelling their 20,000 members by threats and blackmail to join the latter. Similar accusations were voiced by "Nezavisnost". Namely the latter accused ATUS that through Minister Milovanovic it negotiated suspension of registration of trade union "Nezavisnost" within company "Beopetrol" and compelled the whole membership to join ATUS (*Danas*, 26-27 May).

The aforementioned examples additionally contribute to the claim that trade unions in Serbia were exposed to pressure by politicians and even to their full control in some cases. As DOS is politically disunited and there is an imbalance of its members at the local level, interest deals between local trade unions and the ruling (opposition) parties frequently lead to absurd situations, in which stances of branch offices are totally contrary to stances of the head office. This essentially denotes a poorly profiled role of trade unions, (they are seen as the relict of the past period,) which is however abused by politicians and trade unions. That is why trade unions frequently have very different stances on issues on which they should reach consensus. Privatisation shall probably contribute to consolidation of trade union scene, but in the meantime many workplaces/jobs and workers' rights shall be irretrievably lost.

2 *The right to strike*

Among other things the year 2001 shall be remembered for a large number of strikes. According to claims of the ATUS representatives in Serbia in 2001 every day 50 strikes or work stoppages were organised. Although this data is difficult to check it is probably close to truth. Although many strikes were not covered by media, they took place as an expression of workers' discontent. This resulted from workers' conviction that the new authorities shall not dare breach one of the fundamental workers' right and also their difficult financial position. Strikes were organised because of replacement of old and compromised socialist cadres, nepotism of new authorities, dissatisfaction with adopted laws. Most strikes were however of social nature, that is, were an expression of dissatisfaction with pays, loss of jobs due to bankruptcy, or protests against the ongoing transformation of companies.

Government of Serbia faced first strikes immediately after its formation, in late January. Sporadic strikes of educational workers which lasted several years in some schools evolved into a more massive strike of several thousand workers demanding higher pays. Contrary to the recent years, when strikes were spearheaded by so-called independent trade unions (notably, Union of Trade Unions of Educational Professionals of Serbia, Trade Union "Nezavisnost" and Trade Union of Educational Professionals of Vojvodina) this time around the strike was organised by Independent Trade Union of Educational Professionals. This gave rise to doubts as to the true nature of the strike among other trade unions and population at large. Its most vocal opponents were those trade unions who in recent years frequently colluded with the regime or kept a low profile. The strike shall be remembered for the activists extreme conduct during negotiations with Serbian authorities. Trade union activists whose demands in the past immediately met, this time around met a stiff government resistance and had to deal with a tough negotiator. However, negotiations ended in adoption of a compromise solution which did not please trade unions. Therefore negotiations had to be resumed in late August and December, and they were followed by "legal work stoppages" (15-minute shorter classes) in a small number of schools.

February strike of PTT and "Telekom" employees caused a major revolt of citizens of Serbia because of long lines in posts, faulty telephone lines, and unrealistic pay rise demands. The strike was organised by Independent Trade Union and some branch offices of "Nezavisnost". Republican Minister Marija Raseta-Vukosavljevic assessed the demands as unrealistic and accused trade unions and employees of trying to preserve monopolistic positions and benefits (*Danas*, 14 February). Workers of the aforementioned companies went on strike also in September. After negotiations they were promised higher pays, but failed to stop enforcement of Decree on Pay Freezes in Public Companies.

The biggest test for government of Serbia was transformation of Kragujevac plant "Zastava". Former powerful automotive giant gradually collapsed and plunged into poverty tens of thousands of employees and their families in Kragujevac. This town is considered a veritable social bomb, because any overhaul of "Zastava" without large-scale lay offs was impossible. Workers were aware of that, although the old regime kept their hopes alive by false promises. Apart from workers of Special Purpose Plant, the others watched passively the plundering and ruination of the industrial giant. But the workers and not the government marked the beginning of the end of the complex by raiding the factory facilities in early April and demanding that the Government came up with the recovery program within three months. "Zastava" transformation and consolidation program was drawn up by several ministries and all trade unions. After its adoption over half of total employees lost their jobs. During public presentation of program, on 19 July, workers spearheaded by Independent Trade Union began their strike which lasted until the end of August. Contrary to ITU other trade unions immediately accepted massive lay offs, and during negotiations focused on attaining optimal social solution for the redundant. "Zastava" was the first major challenge for government of Serbia. Now the latter faces overhaul of 37 large companies (RTB Bor, FAP of Priboj), which shall be subsequently privatised.

Decree on pay freeze in public companies provoked another major strike, the one staged by miners of Kolubara and Kostolac. 6-day strike began on 4 October and caused rift among the ruling political parties and public uproar. Government rejected a 70% pay hike and the negotiating team (ministers Djelic and Novakovic and Prime Minister Djindjic) tried to compromise miners by disclosing that their pays are well 70% above the republican average. Amid mutual accusations director of "Kolubara" was dismissed in mid-December. In their media interviews miners (similarly to other strikers in the past) stressed their contribution to establishment of democratic authorities in Serbia.

Late 2001 and early 2002 shall be remembered for simultaneous liquidation of four key banks, and subsequent 8,500 job losses. This move caused a toothless strike of several thousand employees. Due to well-publicised assessments of experts to the effect that "such a move was necessary also because it protected from liquidation other debtors and loss-making companies" public at large and trade unions took a passive stance on it. Trade union of financial organisations was left alone in its uphill battle, although its strike received extensive media coverage.

It bears saying that the Trade Union of Financial Organisations, alike miners of Kolubara and employees of "Telekom" appealed to President Kostunica to help them. This indicates that economy of Serbia is largely dependent on political decisions and prone to cherishing the "personality cult".

Government of Serbia is quite satisfied with the course of reforms and results achieved in the first year. Similar satisfaction was voiced by numerous international organisations and expert circles, but public opinion polls and survey caution against growing social tensions and discontent. Citizens' expectations that political changes shall quickly lead to economic recovery and higher living standards turned out to be unrealistic and unattainable. Initial optimism is replaced by pessimism which can further dampen the popular mood and cause passivity. Findings of various public opinion survey indicate a dwindling support for DOS, which should not be interpreted as the usual post-election disinterest of citizens. According to the latest polls conducted by Agency "strategic Marketing" undivided DOS would be currently backed by 48% of citizens, while that figure in mid-July was 53%. 70% of citizens think that the international community undermines the FRY, while 63% think that the Hague Tribunal threatens the country. But there are also encouraging data: 57% of citizens (48% in 2000) think the FRY would best protect its interests by joining the EU (*Danas*, 29-30 December). The two aforementioned apparently contradictory data can be explained by the fact that the majority of citizens think that "the international community" are the US, while in the EU they recognise friendly countries like France, Greece and Italy.

As the year 2002 is likely to be more difficult than the previous one, government of Serbia is duty bound to deliver on its promises and to try to ensure stability of social funds. It is necessary

to finally establish a genuine social dialogue with trade unions along with mutual respect, instead of its current practice of trade union sidelining.

Judicial System

The FR Yugoslavia's admission to the Council of Europe figures as a major objective new authorities and most of the society aspire to. The Vienna Declaration of the Council of Europe's first summit meeting in 1993 sets down the fundamental prerequisite for admission of a new member-state: its institutions and legal system should be adjusted to basic principles of democracy, the rule of law and respect for human rights.

A law abiding state, the rule of law at all levels of government, independent judiciary and redefined position and role of the army and the police guaranteeing full respect for human rights and freedoms were exactly what the opposition kept on promising to voters before it came to power on October 5, 2001. Though new federal and Serbian administrations have been set up for more than a year now, they have still not begun to resolutely tackle qualitatively new legislation in two out of the three above-mentioned domains - in the police and the army standing for main pillars of a state's repression. Up to now, the attitude taken by the new authorities indicate that, under the pretext of urgency, they are prone to pass laws that stipulate issues and domains of crucial significance for the state bodies' functioning beyond the public eye and thus deprive the public of the possibility to influence their contents. This is best illustrated by the package of laws (passed in November 2001) regulating operation and competence of courts of general jurisdiction and public prosecutor offices, election and deposal of judges and prosecutors, etc., that was open to no public debate whatsoever, while judges, expert circles and citizens learned about it only once it was published in the Official Bulletin of Serbia.

A public opinion survey the Marten Board International Center for Research Marketing conducted on October 20-25, 2001, is indicative of how effective the new authorities have been in regaining people's trust in the judiciary. The poll was focused on determining the degree of citizens' trust in justice, their views on courts' actual independence of political power centers when compared with the situation prior to October 5, 2000, and present-day bribery in court proceedings, as well as on asserting people's support to reforms in the judiciary.

Findings of the survey showed people in Serbia hold the judiciary in rather low esteem. For, just 1 percent of respondents said they fully trusted judicial bodies, 7 percent would readily place their trust in them, 42 percent said they trusted them to some extent and as many as 20 percent said they didn't trust them at all (6 percent were undecided).

When asked about the judiciary's independence of politics, 60 percent of respondents took the situation was the same as before or even worse, while 27 percent of them saw it as better (13 percent were undecided).

When it comes to bribery and corruption, one-third of respondents take that bribery largely marks present-day courts, 29 percent of them believe it is present to some extent, 8 percent consider its presence rather negligible, while just 1 percent claim there is no bribery in the judiciary (the rest of respondents were undecided).

Asked about itemized reforms (personnel, organizational, technical and technological, and legislative) they deem imperative for the judiciary, 23 percent of respondents opted for the entire list, 69 percent pinpointed one or several items, while not a single respondent took the reforms were needless.

"Cleansing of Judiciary"

In a state wherein strongmen have kept matters of life or death, and freedom or captivity on a tight rein for a decade, wherein even most insignificant lawsuits could be channeled by all sorts of political, financial and selfish motives of influential individuals, groups or parties, no wonder that citizens saw the new administration's promise to bring people responsible for it all before justice as a light at the end of the tunnel of injustice and lawlessness.

It seems, however, that Serbia still lacks social and political consensus for and readiness to face its past and responsibility in general and on a specific level – the one including lustration of judges and prosecutors.

In theory and practice, there are three definitions of lustration. Firstly, lustration is a legal measure banning public office to a person whose actions have severely violated human rights and standards of a law abiding state. Secondly, it is just an ethical measure meant to "cleanse" a public official who has largely breached the law and violated human rights and freedoms, a

measure implying that he or she publicly admits guilt and repents. Thirdly, lustration is defined as a measure including both legal and ethical aspects. No matter of what definition is applied, any lustration must be grounded on personal responsibility asserted in a procedure pursuant to full respect for human rights, the right to a fair trial (the right to defense), and impartiality. Actions taken by newly elected authorities show that the process of lustration has not been launched up to now. And, given the steps taken since they came to power, its launching turns more and more disputable.

Announced way back, reconstruction of courts and prosecution offices in terms of their functions and personnel – labeled as “cleansing of judiciary” – supposed to initiate dismissals and even criminal lawsuits to judges and prosecutors for flagrantly violating the Constitution, the law, human rights and principles of the trade they had pledged themselves to, ended with several deposals and scores of people retiring either at their own request or earning their pensions by the law (some 200 cases).

Years-long experience in a totalitarian regime shows that presidents of courts used to be main pillars of the executive power’s influence on and control over courts. The new authorities – no matter whether eager to continue along the same road or break up with former practice – firstly dismissed old presidents of Belgrade courts and appointed new ones (of the Constitutional Court, the Supreme Court, the District Court, the Commercial Courts and of four municipal courts) and then deposed almost all presidents of courts throughout Serbia. Though removing these people from their high offices met public approval, the action itself was followed by doubly negative side effects. Firstly, “removals” created a climate of revanchism. Actually, criminal, professional or moral responsibility of the people involved has never been asserted, which in itself casts a shadow over legality of relevant decisions. As far as it came into public view, not a single criminal lawsuit has been instituted against presidents of courts or “their” judges suspected of having ruled at political orders and been remunerated for it with apartments, credits under favorable terms, promotions or money. Secondly, given that some new presidents have been appointed without due respect for a relevant procedure, they have been involuntarily saddled, on the very start, with the legacy of being the executive power’s extended hand.

Unfortunately, such inopportune climate remained in spite of the fact that new, by far better laws (Law on Courts, Law on Judges, Law on High Judiciary Council, Law on Public Prosecutor and Law on Courts and Public Prosecutors’ Seats and Jurisdictions) were enforced on January 1, 2002. Among other things, the Serbian Minister of Justice’s behavior added to the climate. Namely, in October-November, 2001, when the laws were still under consideration, the Minister publicized lists of magistrates and judges of courts of general jurisdiction to be deposed without having discussed the issue with presidents of courts and other judges. The lists, carried by the media, revolted all judges - coming out with lists as such not only stood for a serious violation of human rights and a political pressure on a decision-making body, but also clearly testified about arbitrary and blur criteria the Ministry followed while composing them.

In early November 2001, the Serbian Ministry of Justice initiated dismissals of 69 magistrates who have ruled in the trials to independent media under the 1998 Public Information Law. According to the Ministry’s explanation, in 99 percent of all cases these magistrates have dropped charges against the state-run media, while punishing the independent ones. Though the Ministry’s initiative was positive and legitimate, one can hardly provide a sound explanation to why, with the Serbian government constituted and the Minister in charge appointed, it took 9 months to have it launched. It was also impermissible that out of 56 listed magistrates from Belgrade, 10 of them had not acted as magistrates for long, while another 38 magistrates were not deposed once relevant procedures were over. All in all, 21 magistrates were deposed under relevant procedure. While deciding the cases, the Ministry had in mind the following criteria: amounts of fines ruled to media outlets and editors, consequences suffered by the punished media, threats and pressures some magistrates were subject to and their repentance.

At the same time, since no other actor (such as a president of a court and chairperson of the session of all judges of a specific court, a president of a higher court and a relevant body of the Parliament) legally entitled to initiate deposals of judges of the courts of general jurisdiction and commercial courts did anything about the matter, the Minister of Justice took a fully justified step when he himself launched the procedure. However, grave mistakes marked this occasion as well.

Publicized lists of judges to be deposed carried names of 58 judges who were to be removed from their offices for having taken part in electoral frauds in 1996 and 2000 elections, pronounced sentences in staged political trials, got themselves apartments or bought them on credit in illegal ways. Retirements were proposed in the cases of 30 judges, while 82 judges (whose names were not publicized) were put on the deposition list for inefficiency and sluggishness.

Besides figuring as violation of human rights and a stigmatization of a kind, publicized lists resulted in quite "manifest" side effects. Namely, the listed judges are supposed to go on working until final decisions are made. They are working under great pressure and are, therefore, most vulnerable. Such vulnerability is reflected in their proneness to, "being guilty or not", keep their offices by making concessions to actual authorities. On the other hand, parties and party lawyers involved in trials presided by these judges begun demanding their exemptions or demonstrating less formally that they "wish not to be tried by judges about to be removed".

Not only that the lists included judges who had resigned long ago, but they also carried just two names of people that have been given apartments or bought them on credit illegally. Criteria for pinpointing the two were the more so unclear, since the *Politika* daily, in its issue of October 29, 2001, run a report of the Ministry of Justice's Commission for Reexamination of Allocated Apartments and Housing Credits, saying that 486 apartments or housing credits have been given to people working in the judiciary, irrespectively of legally set criteria.

The criteria to put 82 judges on deposition lists for "inefficiency and/or incompetent ruling" are even more blurred and legally ungrounded. Papers submitted by the Minister of Justice quoted some statistics supportive to his initiative, such as job accomplishment bellow 50 percent and over 50 percent of decisions overruled by higher courts in the period between 1998 and September 2001. However, not only that no specific references to any relevant criteria or period were made in a number of cases, it was also unclear whether judges were to be dismissed on the grounds of both criteria or just one of them, and whether they had been inefficient over the entire period or for just a year or two. Finally, when comparing those (incomplete) data about the judges to be deposed with the data referring to their colleagues, one cannot but see the arbitrariness of the list. Bearing in mind statistics of an average Belgrade court - more or less reflecting the situation in the Belgrade judiciary - wherein 40 percent of judges in criminal proceedings, 80 percent of judges in extra-judicial proceedings and 85 percent of judges in judicial proceedings fail to meet the standards of work accomplishment, it is really hard to tell the Minister's guidelines for picking up these 82 people and placing them on his list.

The new Law on Judges provides that the People's Assembly of the Republic of Serbia shall decide on deposals, after having received a detailed proposal from the Grand Personnel Chamber of the Supreme Court of Serbia (see the Supreme Court of Serbia, Commercial Courts and Public Prosecutor Office).

The latest, December 27, 2001, election of a number of judges and prosecutors indicates that "cleansing" the judiciary in order to set up an expert and independent one was not the ruling coalition's genuine legal and political purpose. Openings for almost 200 judges opened vistas for making a true progress in the judiciary in terms of ethics and expertise. However, though the Law on Judges enforced on January 1, 2002, provides a new electoral procedure that considerably eliminates any possibility of political influence on judges and gives priority to candidates' expertise and ethic standards, the administration outdid itself to call the election under the old law that makes political influence possible. The administration just followed the former regime's trodden path, thus turning opinions by judges' collegiums - the only relevant bodies capable of assessing candidates' qualifications - into a dead letter. The fact that, after making scores of compromises of the "one man from our ranks, the other from yours" type, the Ministry of Justice and the Judiciary Committee of the People's Assembly compiled a list of judges who were elected later on certainly does not serve interests of an independent judiciary.

Simultaneously, the Serbian Acting Prosecutor initiated investigation in the cases of 43 public prosecutors for their alleged participation in electoral frauds in 1996 and 2000. The Serbian Prosecutor Office publicized that gathering of information about some prosecutors' involvement in and responsibility for staged political trials, as well as in the matter of illegally allotted apartments and housing credits, was under way. As the Office did not come out with a list of people concerned, there was no reason for prosecutors to protest. However, they strongly protested over the new Law on Public Prosecutor Offices, adopted without prior consultations with people from the trade. Their critical remarks were aimed at the Law's provisions that questioned prosecutors' independence, deprived deputy prosecutors of steady jobs (the Law stipulates their election to eight-year terms), set down that both prosecutors and their deputies could be assigned to other prosecutor offices without their consent, and the like. Prosecutors also noted that the process of their election to offices was less fair than the one envisaged for judges, since the very composition of the High Judiciary Council - deciding candidates' applications - made it always possible for other Council members to outvote representatives of the Serbian Prosecutor Office.

The above facts - the lack of a lustration law, adoption of new laws without prior consultations with experts, judges or prosecutors, endless delay to ground the deposition issue on the law, publicizing the lists of judges to be deposed according to unclear and arbitrary criteria, rapid-fire dismissals of judges and appointments of new ones mostly in line with political criteria,

and intentionally rush and party-channeled elections of judges - testify that the new administration is neither willing nor ready to turn the judiciary into an independent stronghold of the rule of law and a law abiding state.

Problems of the Judicial System's Functioning

Along with the above mentioned issues, a specific set of problems hindering smooth functioning of the judiciary include the following: the lack of legal prerequisites for the work of the Serbian Constitutional Court and factual ones in the case of the Serbian Supreme Court - the two being the highest courts in Serbia; the months-long "ad interim" state in the Serbian Public Prosecutor Office; and, the same state prevalent in the Higher Commercial Court and the Belgrade Commercial Court.

Constitutional Courts

The FR Yugoslavia's constitutional system includes one federal and two constitutional courts of republics. The existing constitutions stipulate statuses, positions and jurisdictions of these courts. Besides assessing constitutionality and legality of a constitution, laws and by-laws, the constitutional courts decide whether or not by-laws of political parties and citizens' associations are in concert with this constitution, rule bans on political parties and citizens' associations, decide constitutional appeals when specific decrees or acts have allegedly violated human rights and freedoms, and judge electoral disputes.

Since a legislative assembly is exclusively in charge of electing judges of constitutional courts, the Constitution of the Republic of Serbia practically makes it possible for a party or a coalition holding majority of parliamentary seats to have a final say when it comes to the election of judges of the Constitutional Court. The same applies to the election of the Constitutional Court's president. The President of the Republic submits relevant proposal to the Serbian Legislature. It is the Legislature that votes the proposal in or down, rather than judges of the Constitutional Court.

Though the competences of constitutional courts call for the most qualified and best-educated judges, the Constitution of the Republic of Serbia provides no special prerequisites for their election. Moreover, a candidate may not even be a jurist. In spite of it, reorganization of constitutional courts has not been placed on parliamentary agendas up to now, so that the above standards are still valid.

Apart from having been political instruments and politically partial until recently, constitutional courts have mostly failed to decide major issues in their competences. Actually, the Federal Constitutional Court lacked quorum until September 2001, while the Constitution Court of Serbia still lacks it. For, out of nine judges provided under the Serbian Constitution, just three of them remained in office. In spite of the fact that Serbian President Milan Milutinovic, entitled by the Constitution to propose judges of the Constitutional Court, repeatedly said he was willing to take this protocolary step once the ruling parties mutually agreed on the judges to be proposed, everything is still deadlocked, while the public is kept in the dark about whether or not the issue was under consideration at all. So, the Constitutional Court has neither started ruling old cases nor over 130 new ones that came before it in 2001. Given that many that have proposed or initiated assessment of constitutionality of the new administration's decisions they deem breaches of their rights are deprived of having those rights protected, and that the new administration will go on offering a variety of excuses, there is a reasonable doubt that this grave legal obstacle will be conditioned by petty politics. Besides, the new Serbian cabinet has continued the former regime's practice of ruling through a number decrees invested with legal power, while there is no one to judge their constitutionality. So, it is obvious that some basic postulates of a law-abiding state and the rule of law are deliberately and gravely endangered.

The institution of an ombudsman has not been introduced in the domestic law to date. On the other hand, the Constitution of the Republic of Serbia does not provide a constitutional appeal, the way it is stipulated in democratic constitutions, or some other form of direct judicial protection of freedoms and citizens. This leaves an impermissible legal void enabling the state bodies to limit or abolish citizens' rights and freedoms through decrees, while there is no appropriate legal instrument citizens can turn to in order to protect their rights.

Supreme Court of Serbia, Commercial Courts and Public Prosecutor Offices

Functioning of the Supreme Court of Serbia faces a problem that is more factual than legal, and is reflected on two levels. Firstly, at least 30 out of 60-odd judges actually posted in the Supreme Court have "earned" their offices by years-long obedience to the former regime. Though

some ten judges have been deposed over the last year - only one of them for "unprofessional and negligent" performance of duties (the Law on Courts, Art. 46, para 3), while the rest resigned or retired - the Court's composition has undergone no significant change whatsoever. Therefore, just a few judges, including the newly elected chairwoman, are qualified to rule competently and ethically, while the rest either takes no cases or rules incompetently.

The second level includes the Supreme Court's competence in determining validity of or reasons behind depositions of judges. Under the 1991 Law on Courts that was in effect till the end of 2001, the Supreme Court, once an initiative for depositions of judges is submitted to it, starts a procedure to determine whether reasons for such depositions are justified and, if so, informs the People's Assembly about its decision. But, to determine, for instance, a judge's indolence or incompetence - a major reason for his or her deposition - it takes calling of the Supreme Court's General Session that can put such issue to the vote only if attended by two-thirds of the total number of the Court's judges, while decisions are made by the majority vote of all the Court's judges. Given such procedure, as well as the Court's composition implying that judges decide on depositions of other judges and their own by determining other people's and their own "indolence and incompetence", it is clear why this was a stumbling block for the Court in this segment of its jurisdiction. The latest General Session called on December 28, 2001, to determine the responsibility of the Justice of the Supreme Court Ljubomir Pljakic stands for an illustrative instance of the state of affairs in the Court. In 1996, Justice Pljakic was a member of the Chamber in charge of the cases dealing with local elections in Belgrade. Two members of the Chamber retired shortly after the overturn of October 2000, and another two when they learned their responsibility would be probed. An open letter by Justice of the Supreme Court Milovan Dedijer describes the General Session's proceedings. Justice Dedijer wrote:

"The Court president's request to have the procedure for determining responsibility of Justice Pljakic launched and the report submitted by a judge rapporteur factually and legally testify to illegal operations by the courts in charge of the cases dealing with local elections in Belgrade, particularly by the Supreme Court's Chamber the performance of which was analyzed in detail. Decisions made by those courts directly provoked three-month mass protests in Belgrade and other towns throughout Serbia in 1996/97 and, under public pressure, were annulled by the notorious *lex specialis*. Justice Pljakic himself opposed not the inquiry into irregularities such as electoral frauds. However, Justice Pljakic and some judges joining the discussion called the report by the judge rapporteur misleading, which indicated to an unprecedented judicial case of a judge rapporteur or a Chamber president being responsible for a decision, rather than the Chamber itself. Such "convincing" arguments intent to justify an illegal decision and electoral fraud were voted in by secret ballot of the majority of judges (39 out of 57 attending the meeting), while reading of the vote brought about cheers and feet beating the floor". (*Glas javnosti* daily, the issue of January 1, 2002).

The new Law on Judges provides that decisions setting down the reasons for deposition of judges shall be invested in the Grand Personnel Chamber. The Chamber is composed of 9 Supreme Court judges appointed in turn by the Rules of Procedure. Therefore, it is evident that the Chamber's composition and the Supreme Court's decisions in this domain might figure as a huge, even insurmountable obstacle to the establishment of an independent and unpolitical judiciary.

Situations prevailing in the Higher Commercial Court and the Belgrade Commercial Court are rather indicative of political obstructions to a proper functioning of the judiciary.

Jurisdiction of commercial courts includes enforcement of the corporate law in lawsuits the parties of which are companies and other legal or natural persons; entry of a company in the court register; lawsuits related to changes in a company's status; bankruptcy procedures; enforced settlement and liquidation, along with lawsuits in connection with or deriving from them; enforcement procedures, and the like.

The Higher Commercial Court decides appeals and conflicting jurisdictions of courts, and gives opinions about proposed trade standards and regulations set by the Chamber of Commerce and Industry, while its president is entitled to monitor commercial courts' proceedings, on the grounds of which the Higher Court may directly control the courts in its jurisdiction.

Appointed back at the time of the former regime, President of the Higher Commercial Court Cedomir Prostran readily cooperated with new authorities and thus remained in office till September 2001 when he retired. No one has been elected to the office ever since. Justice Jelisaveta Vasilic, one of founders of the Society of Judges of Serbia, was among the best candidates for the vacancy. She had been dismissed from the Higher Commercial Court for being a member of the Society of Judges and a relentless advocate of independent judiciary. As one of the best, most conscientious and professional judges in this sphere, Jelisaveta Vasilic made no bones about the lack of crucial changes in the judiciary and ongoing pressure from politicians,

particularly when it came to the Higher Commercial Court having jurisdiction over more than one half of Serbia's economy. Her candidacy was voted down by the People's Assembly (MPs from the Democratic Party refused to vote). It is clear that it hardly suits some circles in the new administration to have an expert and an ethical and uncorrupted person at the head of the court that controls the Belgrade Commercial Court and its president.

For a year already, a judge of the Belgrade Commercial Court has been its acting president, since a president has not been elected so far. (NB, office of an acting president of a court is a legal construction non-existent in the 1991 Law on Courts.) Such ad interim situations are recipes from Milosevic's kitchen - for, it is easier to manipulate people holding ad interim offices for this purpose or other. For example, electoral frauds in 1996 mostly resulted from decisions made by the Belgrade First Municipal Court and the Supreme Court, headed at that time by acting presidents. Later on they were elected presidents, which for a remuneration for their obedience.

The following paragraph illustrates why a president of the Belgrade Commercial Court and the Court itself play a most significant role not only in the judiciary, but also in the upcoming process of privatisation.

Since bankruptcy of some companies (such as IMT, DMB, Rekord, Beko, Nikola Tesla Thermoelectric Plant, the chain of Belgrade Department Houses, Prva Iskra from Baric, etc.) may have various political, social and economic implications, the Belgrade Commercial Courts has been keeping a number of them in the status of the so-called pre-bankruptcy procedure for years, thus providing them artificial legal life. All those companies used to be industrial giants, the claims, debts or real estates of which amount to tens of million US dollars. Situation in the companies the bankruptcy procedures of which are under way (such as Rad Construction Company, Jugoeksport, Kongrap, ABC Grafika, Banovo Brdo Trading Company, Jugoskandik Bank, Dafiment Bank, Sumadija Insurance Company, Sutjeska Trading Company, Centrokop, etc.) is even more delicate given that their liquidation or privatisation is their only way out and the only solution for thousands of workers to keep their jobs.

In an open letter published in the issue of September 22, 2001, of the *Danas* daily, as well as in her interview with the *Blic News* weekly of October 3, 2001, Justice Branislava Goravica speaks about political pressure on the Belgrade Commercial Court. Referring to two types of pressure, Justice Goravica says, "The first type mostly comes from representatives of the executive power who press presidents of courts to make specific decisions under the pretext of "higher public interests." Commercial courts are specific by their very nature, as they are places where everything begins and ends for a legal person. A commercial court is the one that enters a company in its register and deals with its bankruptcy or liquidation. Regulations in both cases are such that they can always be given loose interpretations. So, pressures and abuses can be easily hushed up and labeled as legal decisions. The second type of pressure boils down to the "overstrained" Belgrade Commercial Court, under the cover of which some cases are tackled promptly, while others take time. The latter can always be justified by saying that the Court is brimming over with cases. It's easy then either to disqualify a legal person or give it an upper hand. If politicians are eager to close down a business that suits them not, they can do it through a commercial court, like in the case of ABC Grafika's bankruptcy at the time of the former regime. I am afraid that, veiled by public interest, economic trends are still being channeled through the Belgrade Commercial Court". Justice Goravica also spoke about letters by which some ministers intervened in particular case. The Assistant Minister of Justice, for instance, asked for a break in the enforcement procedure in spite of the fact that the new Law on Enforcement Procedure does not provide it. Then, after the Minister for Transport's letter referring to the case of the Postal Savings, the acting president of the Court called a press conference to speak out his judgment about the case in spite of the fact that he was not a judge presiding it. Last but not least, the Minister of Trade and Tourism quoted in a letter to the Higher Commercial Court that the acting president of the Belgrade Commercial Court had strongly promised to treat a particular case this way or other, but broke his promise. Justice Goravica also spoke about frequent breaches of the Court's Rules of Procedure due to interventions. According to her, the Higher Commercial Court was requested to start monitoring the functioning of the Belgrade Commercial Court, and initiatives to have some judges deposed were brought before it, but nobody did anything about these matters.

Two recent events throw more light on the situation in the Belgrade Commercial Court. Firstly, though none of judges was deposed or retired, the election for 7 judges was called on December 12, 2001. Three of the newly elected judges were people working for about two years each in the Court, while their careers hardly exceeded five years. No matter how expert they are, they lack professional experience, which rather questions their capability to successfully cope with complex cases. Secondly, the Court's acting president has taken upon himself to deal with

bankruptcy procedures instituted in four big banks (Beobanka, Invest Bank, Jugobanka and Belgrade Bank), regardless of the Court's five bankruptcy judges regularly ruling in this specific area.

Political foment and the lack of consensus to come to grips with crime determine the situation in the Serbian Public Prosecutor Office.

Under the law, the Serbian Public Prosecutor is directly in charge of the entire system of prosecution in Serbia and figures as the most responsible person when it comes to criminal prosecution and protection of legality in civil lawsuits. Besides, the Serbian Public Prosecution Office has great authority over lower prosecutor offices in terms of full control and guidance. District and municipal prosecutor office must observe its orders, given that the Office is a markedly monocratic and hierarchical body. Its role is the more so significant, since it is supposed to be a major link between the executive power (the police) and courts. In the period between February 14, 2001, when a public prosecutor was deposed and a new one elected on December 27, 2001, an acting prosecutor not elected in a legal procedure was in office. The fact is that the "ad interim" state in a major institution as such lasting for over ten months almost paralyzed - either intentionally or unintentionally - operation and the basic function of entire prosecution apparatus in Serbia, i.e. prosecution of criminals.

Months to come will show whether the new appointment to the delicate post of a public prosecutor derived from the administration's genuine willingness to finally start an uncompromising fight against ever-growing crime and corruption, or from its intention to have "our man" always ready to lend his ear to "higher public interests".

Financial Situation in the Judiciary

Extremely bad financial situation in the judiciary and judges' meager salaries make a grave obstacle to establishment of an independent judiciary. Unlike in the domains of healthcare and education, the new administration's, once set up, somehow missed to place pay raises in the judiciary on its priority list. Courts and prosecutor offices are poorly equipped – they lack computers, dictaphones, photocopiers and even stationary. In 2001, judges' salaries were nominally increased from 150 DEM. to 400 DEM. on average, but the real growth in their pays and standard of living is still negligible when one bears in mind the rise in prices. As the former regime and relevant ministers used to provide "our people" with as many as several apartments in some cases, scores of judges and prosecutors have not managed to solve their housing problems. Today, when the judiciary faces risky challenges such as trials to once political but still financial tycoons for misconduct and frauds, and trials for corruption and organized crime, one can only wonder whether judges and prosecutors would be able to withstand pressures and threats and turn down bribes if their salaries remained as they are. Officials from the Serbian government and the Ministry of Justice announced 1.000 DEM. salaries for judges in 2002, which, as they put it, "makes a basis of fair and uncorrupted judicial bodies that would not get engaged in other operations to earn extra money".

If this comes true, preconditions for economic independence of judges and prosecutors, as a segment of overall independence, will be partially met.

Right to Fair Trial and Detainees' Rights

There are three conditions to the respect for the right to fair trial – a fundamental human right and a general principle set down in the UN Universal Declaration and all relevant international documents. Firstly, a state should be governed by a constitution, laws and regulations stipulating the respect for basic principles of human rights and freedoms, as well as sanctions if the latter are violated. Secondly, there should be an independent and expert judiciary capable of securing implementation of these principles and regulations in everyday life. Thirdly, awareness about and knowledge of human rights should be upgraded not only in institutions that by their very nature may restrict or breach them (e.g., the police), but also among general population. For, people are mostly ignorant about the issue and unaware that human rights have been deprived to them occasionally and, therefore, never ask for protection. In the post-Milosevic era it was the media that turned into specific "violators" of the right to fair trial.

In spite of the above-mentioned inconsistencies and discords with regards to the Constitution, laws and by-laws, the existing legislation and the Federal Constitution in particular, provide a solid basis for improvements. Even before the overturn of October 5, Yugoslavia has ratified most of relevant international documents (the UN Chapter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention of the Prevention of the Crime of

Genocide, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Mankind, etc.). Namely, it had both formally and declaratively accepted the universal and internationally recognized model of protection of human rights and, therefore, pledged itself to protect them by the law. However, regardless of the Federal Constitution's provision saying that "international contracts signed and publicized in line with the Constitution and generally accepted provisions of the international law make a component part of the internal legal order", constitutions of the two republics, in their provisions referring to human rights, gave the upper hand to domestic legislation. For example, some provisions of the Code of Criminal Procedure (enacted in 1977 at the time of the former Yugoslavia) that mostly determine a defendant's position in a criminal lawsuit are contrary to the principles of the right to fair trial, but are still applied. This primarily refers to provisions regulating a suspect's right to a defense attorney in a preliminary hearing and detainees' rights. Though a new Code of Criminal Procedure was asserted as an urgent and imperative step towards securing conditions for fair trial, the Code was passed as late as December 26, 2001, and will be in force in three months from that day.

The fact that foreign experts assisted in and monitored drafting of the new Code of Criminal Procedure is encouraging since their participation in the process is a warrant of a code that provides respect for basic principles of a fair trial, the way similar codes in developed, democratic member-states of the Council of Europe and the European Union do. Recent ratification of the Optional Protocol I and II to the International Covenant on Civil and Political Rights, and the upcoming new, modernized and democratic Constitution of the Republic of Serbia supposed, among other things, to elevate some principles of a fair trial to the level of constitutional norms, may secure solid legal ground for better protection of fundamental rights and freedoms.

And yet, even if good constitutional and legal provisions fully adjusted to generally accepted international norms and standards in this domain are enacted, their everyday implementation by courts still remains a crucial problem. The previous chapter discussed in more detail problems of and obstacles to establishment of a conscientious, professional and independent judiciary. New regulations to be enacted in near future raise the subject of judges and prosecutors' qualifications and capabilities to pursue their duties in accordance with international standards. It is only logical to question the issues of job qualification and expertise in a society wherein future students opt for the Faculty of Law only because it sets the lowest standards applicants are supposed to meet. The Faculty enrolls thousands of students each year. However, its outdated curricula and a devastated cadre of professors cannot but result in graduates whose knowledge and ethical standards are rather disputable. And, it is only natural to be skeptic in a society wherein people were employed in courts "at someone's recommendation", while their party affiliations were decisive for becoming judges and other promotions. Fully aware of such state of affairs, the Society of Judges initiated setting up of a Center for Advanced Training of Judicial Personnel. According to its Statute, the Center will be engaged in systematic and creative activities aimed at: upgrading expertise and its implementation so as to secure the rule of law and a law abiding state; acquiring and advancing knowledge in the legal sphere and teaching skills necessary for implementation of the acquired knowledge; acquiring knowledge about the European Union's legislation, the Universal Convention of Human Rights, etc. The Center's activities are focused on judges, prosecutors and their deputies, interns, bailiffs and other personnel. The Center's Advisory Board includes representatives of international and domestic organizations such as the OSCE, the Council of Europe, the United Nations Development Program, the American Bar Association, the Center for Advanced Legal Studies, etc.

Establishment of the Center ranges among the best steps the administration has taken when it comes to the reform of the judiciary, since the Center educates and trains judges and prosecutors in the practice of international standards to protect human rights and freedoms, which has been fully neglected up to now. Only judges and prosecutors adhering to the right to fair trial as a guiding principle of their profession may see to its proper implementation in practice.

The way some media outlets report criminal lawsuits instituted against public figures, mostly those that belonged to the former regime, stands for a specific violation of the right to fair trial. The media often point out to their right to let the public know. However, some editors and journalists would not recognize that there are limitations to such freedom and that giving a free hand to this right usually violates rights of some other people. Presumption of innocence is a guiding principle of the right to fair trial. However, eager to attract their readership with sensational news stories and secure better sales, some dailies have occasionally carried inappropriate commentaries proclaiming defendants either guilty or innocent and thus "sentenced them in the press". Besides, dailies used to run integral records of investigations, which is prohibited under the Code of Criminal Procedure since this part of legal proceedings is closed to public. The case of the former minister of culture, Zeljko Simic, is among the most flagrant examples of such practice.

Namely, at the same time the police took in Simic for an alleged stealing, almost all televisions aired a tape-recording taken by a hidden camera. The tape showed Simic taking some objects from his friend's apartment and putting them in his pocket (money, a Rolex watch, etc.). Presentation and abuse of evidence prior to a trial stands for a severe violation of presumption of innocence by the police that have distributed the tape to television outlets and by the outlets that aired the tape contrary to professional and ethic codes they so often refer to.

Such pressure on judicial bodies, and the way of inciting and shaping public opinion in Serbia are not only fatal for principles of fair trial, but also, in the long run, negatively influence the anyway poor public awareness about the significance of the respect for human rights.

Torture, Ill-treatment and Misconduct by Law Enforcement Officers

What makes a fundamental and most visible change in the society since October 5, 2000, is that the state bodies no longer crack down on members of opposition parties, journalists, non-governmental organizations and political opponents. Hardly any case of police officers forcing premises of political parties or media houses, illegally taking in people for interrogations, arresting and maltreating them or searching their apartments without proper warrants has been registered over the past year.

However, the police and prosecutor offices' attitude towards rather frequent police maltreatment of citizens, with no political motives behind it, has not changed much. It is exactly the police's misconduct, excessive use of force, and physical and mental torture of citizens marking the period behind us that should have prompted the new administration to promptly and fundamentally not only amend the relevant legislation, but also tackle the composition of the police personnel.

The former Yugoslavia ratified the UN Convention against Torture in 1991. And yet, the FR of Yugoslavia has done nothing so far to adapt its legislation to the UN Committee against Torture's Conclusions and Recommendations of 1998. The amended Criminal Code of Yugoslavia of November 2001 failed to include a provision regulating cruelty or torture as a crime on its own. The new Draft Criminal Code of Yugoslavia includes provision prohibiting specific cruel acts, but still lacks a specific provision about torture. Besides, no steps have been taken to pass a new or a fundamentally amended Law on Internal Affairs. The same applies to the Rules on Conditions for and Ways to Exercise Force or the Decree on Disciplinary Actions against Police Officers, dating back at the time of Milosevic's rule.

Except for several cases of top officials dismissed for political reasons, the composition of the police personnel has remained more or less the same. In other words, officers that have fought in wars in the territory of the former Yugoslavia and are responsible for war crimes, particularly those committed in Kosovo, and officers that have beaten, maltreated or even liquidated opponents of the former regime are still in the police ranks.

Generally speaking, the police are almost unaware of the significance of human rights and freedoms, and their duty to respect them. Frequent violations of human rights on the part of the police can be attributed both to the lack of relevant training and deep-rooted practice of not calling police officers to account for such abuses. According to the Humanitarian Law Center, "after the change in the regime, only three criminal lawsuits were instituted against police officers; they were sentenced to less than 6-months imprisonment each for excessive use of force, which, under the Serbian Labor Law, does not entail dismissal". Though policemen are obviously responsible when perpetrators, public prosecutor offices, as bodies charged with prosecuting crimes, are even more to blame for such situation.

Public prosecutor offices are still inert in most reported cases of torture and maltreatment. This refers not only to newly reported cases, but also to old ones taking place over past several years. Public prosecutors have not initiated a single lawsuit for a number of cases of torture of and cruel acts against Kosovo Albanian detainees/convicts occurring in 1998-99. Once relevant information is filed with them, prosecutors rarely initiate criminal court actions against alleged perpetrators. And, even when they decide to act on the grounds of citizens' reports, they later on drop charges solely because the police reports deny any abuse or misconduct. Occasionally, prosecutors go to other extremes – instead of launching investigation in the cases of policemen that have abused their authority, they act upon press criminal charges the police bring against a victim of maltreatment for "obstructing a police officer to pursue his duty". Also, the policemen either facing trials for abuse of authority or once such trials are over, more often than not threaten their victims in attempt to persuade them not to file complaints or to give up appeals. Here are just several illustrative instances of the above:

Ljubisa Zdravkovic, former commander of the Svrlijig police department, and policeman Boban Stoicic are standing trial in the Svrlijig Municipal Court for the crime of ill-treatment while on

duty and inflicting light bodily injuries to five damaged parties they have taken in and interrogated in the course of 2000. One of the alleged victims said that even the commander was slapping him on the face during interrogation in the police station, but he dared not to speak up about it before because he received threats.

Slavko Stevanovic Sumski was arrested/kidnapped in April 2001 as a suspected accomplice in the case of kidnapping. "On April 30 around 4:00 p.m., while I was going towards my parked vehicle, three men wearing police uniforms but not badges approached me from behind, handcuffed me and without uttering a single word shoved me into a BMW. They took my keys and everything I had on me. After several blows, they put a black plastic bag over my eyes, tied my head and legs with tape and, later on, placed me into the trunk. After an hour and a half drive, they pulled me out and took to a room where they started maltreating me. They kicked my legs and ankles, fastened electrodes on me, pinned some needles under my nails. I've had seven fingers numbed for weeks, and feel tinkles to this very day. They asked for money, threatened to bury me alive, kill me, and pointed their guns at me. It took the whole night. Next day they took me out of the room with plastic bag over my head and drove me to the building in the Knez Milos Street. There they took off the bag from my head. Some unknown inspectors interrogated me. One of them signed a receipt for the car and other things they took away from me. This man threatened to kill me, said all top officials backed him and, therefore, I should better confess. When they took me home on May 1, the policemen warned me not to tell anyone what happened or else they would kill me", said Stevanovic. Stevanovic lodged a complaint against unknown persons. The police reacted by issuing a warrant for his arrest. He is actually on the run (*Svedok*, issue of October 25, 2001).

Two incidents that took place in Bijelo Polje and Tutin on the New Year Eve also testify about the police brutality.

Victim Darko Knezevic, a second-year student of the High School of Mechanical Engineering, told the *Nedeljni Telegraf* weekly about his experience. He said in an interview:

'sometime after midnight, an incident took place in the room next to ours. My brother and I went to see what it was about, but a guy stopped me at the entrance, said I should not go in and pushed me away. There was a commotion and both of us trampled on the floor. My brother Boris tried to protect me, but then the man took out his police badge. At that point, several policemen in uniforms showed up. Policemen Vladimir Siljak and Mevludin Hasanovic immediately handcuffed me. They started beating my head with truncheons and fists. Then they took me towards the exit beating me all the way. They made me lean on a shield of a car parked outside. Policeman Siljak snatched my hair and begun beating my head against the glass that crashed and deeply cut my skull...My brother Boris was taken to the Security Center, while they drove me to the hospital. Policeman Siljak kept slapping me on the face all the way, while another one kicked my thighbone. To tell the truth, it was then that I stood up. I even refused to be examined by doctors. While taking me back to his jeep, policeman Zugic gave me a blow in stomach with his fist. While we were entering the police station, he pushed me towards the door and I hit it with my head. *Glas javnosti* cracked. I felt blood pouring all over me...Then they took me to a cellar and handcuffed me to a staircase, like a beast. I asked for water, they refused to give me any. Later on, when my father showed up they told him I would be released if I apologized. I refused, there was nothing to apologize for...They put my brother and me in a dark cell with broken windows, though it was very cold outside...Next day I went to the hospital. An X-ray showed my nose bone was broken. I also had a number of bruises and cuts on me. So they hospitalized me in the Surgical Department of the Bijelo Polje Hospital".

The Bijelo Polje Police Department issued a press release saying that "policemen Siljak and Hasanovic are suspended till a disciplinary procedure is over, while information gathered about the case were forwarded to a prosecutor who is supposed to determine criminal responsibility of all people involved".

The incident that took place in the night between December 31, 2001 and January 1, 2001, started with a fight between two groups of youngsters in Tutin. The police intervened. Murat Pepic was involved in the fight. In its issue of January 9, 2002, the *Sandzacke Novine* carried several testimonies of people who were among some hundred eyewitnesses.

"Guys from the village of Draga (M. Pepic hometown) refused to be taken to the police station. There was a skirmish with the police, even blows were exchanged. At one point I saw a policeman pulling out his gun, snatching Murat's hair and hitting him in his head. Murat hit the ground, he was helpless, but they started kicking him while he lay on snow...It was a terrible sight when policeman M. Lukovic showed up. He pulled out his truncheon and begun beating Murat helplessly laying on snow and showing no signs of life. Lukovic was pulling his hair, beating his head against pavement, kept on roaring and, as if in some victorious trance, went on beating his truncheon against a car and people around him...Then a backup arrived at the scene. While

coming out of a police car, a policeman they called Strahinja fired several shots from his automatic gun...Lukovic hit a girl who then started walking unsteadily towards a parked car. Someone came and took her away...Lukovic kept on roaring, "Watch, you sons of a bitch, how the police beat," and resumed hitting the still prone Murat".

Badly injured, Murat Pepic was driven to the Belgrade Emergency Center where doctors have fought for his life for several days.

The Novi Pazar Police Department issued a press release saying that "policemen from the Tutin station acted by the book and prevented a fistfight between two groups of citizens". The Department also announced criminal charges against several actors in the fight for attacking officers. For, as the Department put it, "the policemen were physically attacked, and some of them even knocked down".

Though the police now hardly ever ill-treat people for their political beliefs, it is still apt to beating and torturing members of Muslim, Albanian and particularly Romany ethnic communities. A society burdened with racial bias about the Roma and the Roma themselves mostly being poor, unemployed and underprivileged at almost all strata, make a seedbed of the police brutality and degradation of them.

This is perhaps best reflected in the case of a 12-year-old boy beaten up by a police inspector on June 21, 2001, in a police station. As he failed to wring from the boy details about a stealing allegedly committed by his brother, the inspector started slapping the boy in the face, hitting his palms and back with a truncheon, and beating him on his head. After a two-hour torture, the child was released at his mother's request. The mother waited for him in the station all through (*Reporter*, the issue of November 11, 2001).

The case of E. M., a fourteen-year-old Romani boy, and his underage friends, all of whom were beaten up by two policemen in Novi Sad is almost identical. On September 22, 2001, shortly after midnight, the two policemen approached a group of Romani children gathering waste paper from containers and begun beating and maltreating them with no reason whatsoever. They broke E. M.'s hand. Then they ordered the kids to go home, while "bowling out at their Shiptar mothers". (*Danas*, the issue of September 22, 2001.)

The fate of two Roma, Stevan Brancic and Sasa Gojkov, was almost the same. On May 7, 2001, the two were taken into custody in Backa Topola and beaten up by an inspector and two policemen who wanted them to confess they had been stealing.

"S. Brancic was taken to an office where inspector Josip Fontanji and two policemen were waiting for him. During interrogation, Fontanji all of a sudden hit Brancic on his loins. When Fontanji and one of the policemen left the office, the other one started beating him with a half a meter long truncheon covered with leather and rubber. He battered his palms and threatened to batter his head as well unless he uncovered it. When for a moment Brancic, ravaged with pain, uncovered his head, the policeman dealt him several blows on his head. He ordered Brancic to put his hands against a wall and then started beating him frantically all over his body with the truncheon. He was hitting him on his kidneys, shoulders, tights and buttocks. When Brancic fell on his knees, the policeman went on kicking his stomach. He said in a threatening voice, "You'll never get out of here until I see blood pouring from your noses. You'll be carrying each other!"

"Inspector Fontanji slapped Sasa Gojkov in his face ten times and then took him to an office wherefrom Gojkov could distinctly hear sounds of beating in the room next to it. The policemen ordered him to turn his face towards the wall. Then he started hitting his back, legs and buttocks with a truncheon, crying, "Have you changed your mind? Confess! You'll sing! Fuck your Gypsy mother!" The policeman walked out for a while and once back he ordered Gojkov to give a sharp cry each time he hit an armchair with the truncheon. Whenever Gojkov uttered a somewhat smaller cry, the policeman hit him on his left cheek.

»Since the two confessed nothing, they have been released after four hours" (A press release by the Humanitarian Law Center, dated May 11, 2001).

Along with being responsible for the state of affairs in the police and prosecutor offices, courts are to blame for the police's unchanged attitude when it comes to violation of human rights and freedoms. Even when they manage to bypass threats on the part of the police and indolence on the part of prosecutor offices, and bring their cases before a court, victims usually face the court's passivity. Criminal proceedings against policemen accused of abuse of authority or other crimes committed while on duty take years, since judges in charge are not willing to react at them. For instance, accused policemen do not show up at trials under the excuses of not being properly summoned or away "in the field". Policemen cannot be arrested and escorted to a courtroom, but "their headquarters or institutions they work for shall be asked to deliver them". The Code of Criminal Procedure that is still in force provides not sanctions for disobeying the order for delivery. Since a trial cannot be held unless the accused is present, trials are endlessly postponed, while proceedings turn ever more senseless for the damaged party in terms of seeing justice done.

The case of Veselko Kurtovic illustrates the way the state bodies, expected to provide protection, treat a victim of torture.

On November 13, 1996, the Pancevo Police Department was called in to intervene in the case of disturbance of the peace and order. Heavily drunk, Veselko Kurtovic (48) refused to show his identity card and enter a police car to be taken to a police station. He was, therefore, subjected to "necessary" force. This "necessary" force resulted in brain damage, broken occipital bone, broken jaw and nose, and irreparably damaged hearing.

On December 12, 1996, Kurtovic filed criminal complaint against policemen M. Antonijevic and M. Pendic with the Municipal Prosecutor Office in Pancevo, accusing the two of the crime of inflicting severe bodily injuries stipulated under Art. 53 of the Criminal Code of the Republic of Serbia.

Three days later, on December 12, the Pancevo Police Department brought criminal charges against Kurtovic for the crime of hindering an official pursuing his duty of securing safety or maintaining the peace and order provided under Art. 23, para 1, of the Code of the Peace and Order. The Prosecutor Office launched investigation on February 20, 1997.

On March 5, 1997, the Prosecutor Office dropped charges against the two policemen and advised Kurtovic to bring charges by himself under the pretext that "illegality of the action is excluded, whereby the reported action was not a crime". Kurtovic filed a criminal complaint on March 20, 1997.

In its ruling of March 3, 1999, the Pancevo Municipal Court proclaimed Kurtovic guilty and sentenced him to 6-month imprisonment suspended for a year. An explanation of the sentence run as follows: "Being in the state of considerably diminished mental competence, Kurtovic refused to produce his identity card at the policeman's request and then refused to get into a police car to be taken to the station. When officer Antonijevic attempted to force him enter the car, Kurtovic ripped off, got hold of a shoulder strap of Antonijevic's parka with one hand and hit him on the chin with other. Having to use force to break the accused person's resistance, the officer hit the latter who, while stumbling down on the pavement, tore the shoulder strap from the officer's uniform, whereby he hindered an authorized person to ..." Though the explanation listed all the above mentioned injuries Kurtovic had suffered, the court did not bother to detail how come that such severe injuries could be caused by a single blow. At least five eyewitnesses testified before the court that the two policemen had been hitting and kicking Kurtovic while he was prone and unconscious.

The investigation initiated by Kurtovic's charges of March 20, 1997, took a year. The case was on the shelf for next two and a half years till the trial of January 31, 2001. In the course of 2001, trials were scheduled twelve times, but held just twice. One of the trials was postponed because "judges were away for a conference on Mt. Kopaonik" and another nine because one or both defendants did not show up in the courtroom. In November 2001, the Helsinki Committee took upon itself to represent V. Kurtovic in the court.

After such marathon and exhausting criminal proceedings, wherein, for instance, a defendant is proclaimed guilty and sentenced, victims of torture hardly ever choose to litigate for indemnification as such lawsuits are time-consuming and expensive, while their outcomes are hardly predictable.

Conditions in Prisons and Detention Facilities

Last year's riots in Serbian jails (in Sremska Mitrovica, Pozarevac, Nis, Padinska Skela and in the Belgrade District Prison) finally drew public attention to conditions under which inmates serve their sentences. Inappropriate and inhuman conditions prevalent in penitentiaries and jails caught the public eye through press releases issued by rebellious prisoners, as well as in statements some of them gave before and after the riots. All of them spoke about conditions that were far below the standards stipulated by the international law and domestic detention regulations. Prisoners are exposed to severe bodily injuries and mental pain, torture, degrading treatment and unjustified punishment. The rebellious prisoners quoted, inter alia, cases of beating, lack of minimal sanitation, medical treatment and protection, as well as cases of corruption within and bribes given to prison administrations.

Relevant officials of the Ministry of Justice affirmed to some extent that conditions in prisons and detention facilities were bad. Therefore, as a form of satisfaction for utterly inappropriate circumstances in prisons they proposed a federal and a Serbian amnesty laws that were enacted on February 26, 2001, and February 13, 2001, respectively.

The Federal Amnesty Law provides that "general pardon shall be granted to persons that up to October 7, 2000, committed the crimes of refusal to receive and use arms, failure to respond to the draft and avoidance of military service, avoidance of military service by intentional disablement or fraud, arbitrary leaving and deserting the Yugoslav Army". The Law also amnestied

persons that, in the period from April 27, 1992, to October 7, 2000, committed the crimes of obstructing the fight against the enemy, inciting armed rebellions, calling for forcible change of the constitutional order, getting associated in order to commit hostile acts and damage the FRY's reputation. The amnesty implied dropping of charges, releases from execution of sentences and annulment of sentences. All persons included in the amnesty were pardoned one-fourth of terms they had been sentenced to, except for those who committed crimes of terrorism, crimes against humanity and international law, and crimes of trafficking narcotics and illegal drug abuse.

The Serbian Amnesty Law pardoned people found guilty for the crimes stipulated under Serbian laws and all those above 70 with a 25 percent cut in the terms they had been sentenced to. Persons serving their time for murder, abduction, sexual perversion, incest, robbery, armed robbery and robbery with violence, extortion and association for criminal purposes got a 15 percent cut in the terms they had been sentenced to. People sentenced for rape or sexual abuse of helpless persons, rape or sexual abuse of persons under 14 years of age, as well as those that have been sentenced to jail for three times already were exempt from the amnesty.

However, the general pardon granted to some convicts and reductions in terms in no way changed the conditions prevalent in jails.

Besides the catastrophic economic situation, the country's years-long isolation added to the upward curve of inhuman circumstances in prisons. Due to isolation, except for the International Red Cross no other international organization had access to Serbian prisons. The same applied to domestic NGOs the inquiries of which into the state of affairs in prisons were just sporadic.

Aware that Yugoslavia's admission to the Council of Europe and other international organizations depend to some extent on the conditions under which prisoners serve their terms, and that the public has the right to know about them, the new administration, for the first time in the country's history, allowed access to jails to an NGO (the Helsinki Committee). Actually, the Helsinki Committee is supposed to notify the Ministry of Justice about its intention to visit to a jail and only after getting its permit may freely inspect detention centers, prisons and correction centers, interview inmates with no guards around and interview guards out of earshot of prison administrations.

In the period June-December 2001, the Helsinki Committee's team composed of a variety of experts (a jurist, a special pedagogue, a psychiatrist, a psychologist, a general practitioner, a pathologist and an andragogue) visited the biggest detention center in Serbia (the Belgrade District Prison), two largest prisons (Pozarevac-Zabela and Sremska Mitrovica), a women's prison (Pozarevac), a youth correction center (Krusevac) and a detention center providing obligatory psychiatric treatment and treatment for drug addicts and alcoholics (Reformatory-Hospital, Belgrade).

Paragraphs bellow do not speak about specific details or positive or negative sides of each of the prisons included in the tour, but just provide a general overview and characteristics of Serbian prisons and detentions centers.

The Helsinki Committee's team focused on 10 basic segments of housing conditions and treatment of inmates that best illustrate the situation. This included: housing conditions, sanitation, lighting, heating, ventilation and cells' furnishings, food and drink, working therapy, education and recreation, healthcare, contacts with the outside world, prison personnel and mutual relations.

Housing Conditions

Most prisons the team visited were built some 40-50 years ago or even before. Generally, buildings are in bad states. No investments were made in renovation of prisons over past ten years, since the former regime has been disinterested in the matter and, moreover, necessary funds have actually been deficient. Halls and cells are mostly unpainted and damp. During the last year's riots some buildings (pavilions) were totally destroyed and can no longer be used for housing. Reconstruction of some is under way. However, to set those buildings in order necessitates funds that the state still does not allocate. All repairs and betterment over the past year were mostly made thanks to grants given by international humanitarian organizations. On the other hand, front and back yards in several prisons (Sremska Mitrovica, Pozarevac and Krusevac) have been taken good care of and look like well-kept gardens with blossomy alleys, trees and benches. In terms of maintenance and furnishing, the women's prison in Pozarevac stands for a model fully meeting standards provided in the UN Minimal Standards and European Prison Rules.

Sanitation

Generally speaking, sanitation in rooms inmates sleep and live in is satisfactory as they themselves are in charge of it. Given the care inmates and prison administration pay to it, sanitation could be even better were buildings and furniture not so old and dilapidated.

Sanitation is chronically the worst in the Reformatory-Hospital in Belgrade, since the state of inmates' health makes them unable to take any care about it, while there is no special service to deal with hygiene. Hardly usable beds, mattresses, bedclothes and blankets reflect years-long negligence and indolence on the part of previous prison administrations.

Toilets and bathrooms are generally in rather bad states, having shabby sanitary utensils. Shortage of running water in some prisons is due to inappropriate and decayed plumbing and causes great problems. Running water is, therefore, rationed so that inmates take just occasional and quick showers. Frequently, water cannot be pumped at all to higher floors, which additionally complicates the problem of water rationing. Hot showers are exceptions, rather than rules.

Funds allocated to prison administrations are mostly inadequate for regular supplies of items of personal hygiene (soap, shampoo, shaving foam, toothpaste, etc.). Inmates try to manage as well as they can – families and friends send them packages with these necessities or they buy them in prison canteens at market prices.

Lighting, Heating, Ventilation and Cells' Furnishings

This segment of housing conditions is the worst in the Belgrade District Prison. Namely, the building is so constructed that does not let in sunlight and fresh air. Inmates spend almost entire days under artificial light and breathe in stale, suffocating and poorly filtered air. An outdated ventilation system, turned on for 10-15 minutes in three-hour cycles, is utterly inappropriate for proper ventilation, particularly in summertime. The Penitentiary-Hospital in Belgrade faces the same problem, as it is located within this prison complex.

Situation in other prisons is by far better, since buildings have large windows allowing sunlight and fresh air in.

Outdated and nearly inoperable heating systems are characteristic for almost all jails. Temperature in rooms is hardly bearable even when prisons are well supplied with heating fuel. In winter, inmates have to wear layers of clothes throughout the day, and cover themselves with several blankets at night.

Cells are furnished with dilapidated beds, cupboards, tables and chairs. Furnishings are scant and badly need fixing.

Food and Drink

Sanitation in kitchens and adjacent premises is mostly bad and figures as a potential source of infections in some prisons. Kitchen furniture and appliances are usually scant and should have been replaced by new items long ago. Tablecloths are dirty, and it is truly impossible to have them washed regularly or replaced by new ones.

Professional cooks are in charge of preparing meals for inmates. Wardens set down weekly menus following the standards proscribed by the Code of Execution of Criminal Sanctions. However, regardless of formally applied standards, inmates take their meals as bad as meager. Meat and meat products are served every day, but inmates are far from being satisfied with their quality. Dairy products are hardly ever on menus, choice of fresh vegetables is poor, while fruits are non-existent. Milk served to inmates is watery and tasteless.

Some prisons lack necessary conditions for preparing meals for inmates on medical diets, as well as for those consuming special food for ethnic or religious reasons.

Therefore, food parcels sent by relatives or friends, or food offered in canteens at market prices make additional sources of inmates' nourishment.

Some prisons have no drinking water. Therefore, inmates are forced to keep water reserves in plastic bottles.

Treatment, Working Therapy, Education and Recreation

Schedules of inmates' daily activities (waking up, meals, working hours, rest time, etc.), stipulated by by-laws, are mostly respected in jails.

Convicts entitled to work under the Code of Execution of Criminal Sanctions are engaged in various production units, farms or other places, depending on specificity of detention centers. Investments in modern equipment and machines would improve production and, logically, increase detention centers' incomes. Though heads of production units are apt to claim that

existing capacities make decent profits, the fact is that just a small portion of overall profit goes to a prison that made it, while the rest is allocated to the Ministry of Justice.

Two largest prisons in Serbia (Pozarevac and Sremska Mitrovica) offer excellent technical conditions for education, training in specific skills and recreation. Unfortunately, such opportunities are either poorly used or not used at all.

Decently equipped classrooms providing elementary school curricula and, as in the case of Sremska Mitrovica, secondary school training for inmates a few years back are nowadays empty as there are no "students". According to responsible officials, the schools were closed down because inmates had been disinterested in them, the same as professors who were unmotivated to teach convicts because of meager and irregularly paid fees. Given that 40 percent of inmates are illiterate, it is hard to believe that they are disinterested in learning how to write and read while serving their times. Besides, closed down schools deprive inmates of a chance to acquire skills that would help them earn respectable living once out of jail.

All prisons visited by the team have libraries with some 2,000-4,000 mostly old editions. Inmates run libraries and catalogue books. Those in charge of libraries said prisoners were interested in reading, but often gave up because new books were hardly ever to be found on their shelves.

Special buildings within prison complexes, the so-called culture centers, with theater halls and other entertainment and recreation facilities are idle. Formerly, prisons used to organize theater, music, painting, carving and news writing workshops, enabling scores of inmates to indulge in their hobbies and have creative pastimes. Lack of funds and indolence on the part of expert personnel practically blocked such training and recreation.

Prisons have good sports facilities such as basketball or football grounds, trim tracks, gyms, outdoor pools, etc. (Pozarevac). Though most inmates are entitled to use these facilities for two hours twice a week, they seem not much interested in them.

The situation in the Penitentiary-Hospital in Belgrade is extremely bad, since the institution has no sports and recreation facilities whatsoever. Even obligatory one-hour walks in fresh air for prisoners/patients figure as a grave problem, as the institution is surrounded with inappropriate open space.

Religion

After last year's prison riots, some convicts felt an urge or became more eager to join religious ceremonies. Therefore, the existing chapels (Serbian Orthodox) located within prison complexes were renovated. An official in every prison is assigned to organize weekly religious trainings. Priests are called in at convicts' requests. Priests are mostly Eastern Orthodox ones. Convicts observing other religions are permitted to practice them, but are accorded no special premises under the pretext that they have not "shown any major interest in religion matters". Convicts can freely obtain and read religious literature.

Healthcare

According to convicts, healthcare is poorly organized. The number of medical officers varies, but is generally inadequate. Large prisons have infirmaries capable of providing basic medical care. Patients with grave symptoms are driven either to nearest hospitals or to the Penitentiary-Hospital in Belgrade. Supplies of medicines and basic medical material are scarce, making patients manage as well as they can to get what they need "from the outside world". The law provides that every newcomer shall undergo a medical examination. However, as convicts put it, examinations boil down to measuring one's weight and height, and general questions of "Do you suffer from any disease?" type. Most of them said they never went to infirmaries or met their doctors in person, since whenever they complained of not feeling well they were given tranquilizers or aspirins.

Percentage of alcoholics and drug addicts among prisoners is rather high. However, except for tranquilizers, such people get no other medicines or psychiatric help.

On the other hand, regardless of scarcity and totally inappropriate conditions for treating and tending prisoners/patients, medical officers' dedication to their jobs is truly remarkable.

Prisoners' Contacts with the Outside World, Right to Appeal and Right to Privacy and Confidentiality

The former regime's indifference to what was going on in prisons and the lack of any outside control over the situation therein, resulted in catastrophic state of affairs in some such as

the one in Sremska Mitrovica. The former warden of the Sremska Mitrovica Prison is standing trial for misconduct and abuse of authority. His management was marked by flagrant violation of convicts' rights. A part of the prison administration and inmates have for years based mutual relations on corruption, denouncement and the like, all of which created a climate favorable just to "favorites" and those able to pay. The latter enjoyed both rights and privileges. That practically meant that just the chosen ones were given better accommodation and food, were freed from work, and were entitled to leaves, visits, packages, transfers to half-open or open sections, etc. Those chosen groups of prisoners were never bodily or mentally tortured or ill-treated, but, moreover, went unpunished when maltreating other inmates, which they often did at the prison administration's order. At a point, actual power of those chosen groups grew to such proportions that a part of prison personnel felt their lives were in danger, while they had no authority or possibility whatsoever to control prisoners. Underprivileged prisoners were deprived of any legal instrument to improve their status or possibility to inform relevant bodies about ongoing developments, since entire correspondence with the outside world was censored by prison administration. Complaints filed with prison administration were senseless and only affected the injured ones in terms of worsened status and conditions under which they served their time. Such abnormal situation culminated in the riots of last November.

Once a new warden was appointed, things begun changing for the better. She insisted on application of existing norms and provisions regulating the right to complaint, the right to receive packages, the right to correspondence and other rights relevant to a convict's status. However, the negative impact of the former administration's management was still there, causing, in just three months, three scandals that stirred the public. Firstly, in last October, an inspection of the prison's storehouse revealed that humanitarian provisions including several thousand cans of meat paste, hundreds of kilos of bean, 288 kilos of pasta, 100 kilos of washing powder, 370 kilos of rice, etc. had been stolen from it. D.V., the storehouse chief and president of a prison personnel trade union, and I.V., an inmate serving his time for fraud, were accused of stealing the provisions (*Danas* daily, the issue of October 20, 2001). A month later, following an unidentified prisoner's information, "one hand grenade, 300 gm. of unknown substance packed in a box resembling plastic explosive and a handmade holster with 16 bullets" were traced down in the prison complex. The warden said she supposed "weapons have been made in our production units" (*Danas* daily, the issue of October 24-25, 2001). Finally, in early December, four convicts escaped through a 21-meter-long dug tunnel. Following the incident, the Minister of Justice deposed the warden and then appointed her adviser in the Ministry of Justice.

Regardless of actual difficulties in this specific prison, the prison system in Serbia is generally badly regulated in terms of convicts' rights to complain against the way they are being treated. The Code of Execution of Criminal Sanctions provides not that a head of the department (an officer in charge of proper application of prison sanctions in Serbia) shall be obliged to respond to or react at convicts' complaints against treatment they are getting. So, factually and legally, an inmate can only lodge a complaint with prison administration he or she complains against. This calls for an urgent amendment of the Code and its adjustment to the European Prison Rules.

Other contacts with the outside world are relatively well regulated. Prisoners may order dailies, periodicals or books if they are able to pay for them. Most collective cells have television and radio sets so that inmates can watch and listen to what is going on in the outside world. Besides, each prison has several phone booths making it possible for prisoners to communicate with their relatives, friends and lawyers.

Prison Personnel

Prison guards are mostly young people, minimally trained or not trained at all in treating convicts. They not only have little practical experience in handling prisoners, but are also not being instructed about fundamental human rights.

In most cases, they are badly paid and have housing problems, their job is tough and they often have to work overtime as prisons are generally short of staff. Therefore, they often go on sick leaves, turn alcoholics, show no interest in their work or become aggressive to convicts.

Corrections services face similar problems. Tutors in charge have to cope with too many prisoners each and are provided with poor working conditions. According to them, such problems stand on the way of systematic and organized treatment of convicts - either individual or group. Besides, various experts making the tutorial cadre are often questionably competent for the job or are by profession inadequate for it. This is best illustrated by the fact that most tutors have not been specifically trained for working in prisons and lack professional experience.

Except for a couple of young and recently hired tutors who manifested willingness to properly do their jobs and get advanced training, the rest mostly complained about meager salaries and a variety of obstacles they have to cope with.

Prison Atmosphere and Relations between Inmates and Personnel

All the above mentioned circumstances resulted in mostly bad relations between inmates and prison personnel, and generally tense atmospheres. Inmates bear grudge about long isolation, bad conditions and indifference or a priori negative attitude towards them on the part of prison personnel, administration and guards in the first place. Such discontent often escalates to conflicts with other inmates or personnel. On the other hand, privileged position enjoyed by the personnel that more often than not provoke prisoners, but are rarely subject to disciplinary measures and almost never to criminal punishment for misconduct or abuse of authority, result in mutual distrust, animosity and insurmountable gap between the two groups. However, it is worth mentioning that all interviewed inmates said they were by far less bodily maltreated or beaten up by guards than in past years.

Along with slight resentment on the part of inmates, a gap applies to corrections services as well. Most prisoners said individual meetings with tutors were rare (once in a month or even less) and brief. Prisoners are those who have to initiate such meetings when faced with problems (mostly having to do with visits or complaints). Interviewed prisoners said tutors were unconcerned, offered pretexts such as being too busy to see them and never discussed other topics.

It is evident that isolation and lack of a positive interaction stand for a deep and complex problem. To overcome it, improvement of financial situation would not suffice. Such longstanding problem takes time, but a modern education of personnel could be a good startup.

Conclusion

Measures the new authorities have taken thus far (dismissals of wardens, jails open to the public and civil control, beginning of the process of education) speak about their intention to improve prison conditions and the imprisonment regime. There are three prerequisites that should be met to have prison conditions and human rights and freedoms in jails adjusted to standards set down by the Council of Europe and other international factors.

Firstly, the current Code of Execution of Criminal Sanctions and all relevant by-laws should be amended and harmonized with internationally recognized standards in this area. This is the first, imperative step to have performance and responsibility of all state bodies involved in execution of criminal sanctions regulated, and protection to prisoners' rights and freedoms secured.

Secondly, the state should allocate more funds to have prisons renovated and conditions in them improved, as well as to secure bigger salaries to prison personnel and motivate them in other ways to work better. Redefining of current distribution of income earned by prisoners is likely to be a major improvement of the overall situation, since just a smaller part of earnings actually remain at prisons' disposal. More funds left in prisons' possession would enable them to function by far more appropriately in all aspects.

The third prerequisite implies overall an intensive training of prison personnel and administrations in fundamental human rights and freedoms, as well as in international documents detailing their rights and duties, and those of prisoners. This also includes advanced training through various seminars, conferences and courses, aimed at helping prison personnel follow international trends in the domain of their work.

Only once the three prerequisites are met, one of basic principles of imprisonment would be secured: "Imprisonment is by the deprivation of liberty a punishment in itself. The conditions of imprisonment and the prison regimes shall not, therefore, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in this" (Art. 64 of the European Prison Rules).

Death Penalty

The federal and both constitutions of the two republics guarantee inviolability of human life. However, while under Article 21, para 2, the Federal Constitution provides that "capital punishment shall not be inflicted for crimes stipulated under the federal law", constitutions of the republics set down that "it can be inflicted for the most severe cases of violent crimes" (Article 13 of the Constitution of the Republic of Serbia). Amendments made to the Criminal Code of the FR

of Yugoslavia in 1993 annulled Article 37 stipulating death penalty and conditions under which a person can be sentenced to it. However, Article 34, para 1, of the Code went unchanged and still provides death penalty when regulated so under a republican law. Discrepancy between the federal and both constitutions of the two republics in such major issue, unprecedented in comparative law, still persists. Thus, for instance, death penalty could not be ruled under the Criminal Code of the FRY even for major crimes such as war crimes, genocide or international terrorism, but could be under the Criminal Code of the Republic of Serbia for crimes such as murder, armed robbery or robbery with violence.

Abolishment of death penalty is a precondition for FRY's admission to the Council of Europe, the new administration aspires to. Given that the procedure of amending the current constitution or proclaiming a new one is complex and lengthy, the new administration opted for a shortcut - to amend laws. The Law on Asserting Optional Protocol II to the International Covenant on Civil and Political Rights, passed by the Federal Parliament on June 22, 2001, was the first step in that direction. By ratifying the Protocol, a state, inter alia, recognizes that ". No one within the jurisdiction of a State Party to the present Protocol shall be executed. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction".(Article 1 of the Protocol.) Also, a state is bound to extend "the provisions of the present Protocol to all parts of federal states, without any limitations or exceptions" (Article 9 of the Protocol).

Along these lines, on November 5, the Federal Parliament adopted the Law on Amendments to the Criminal Code of the FRY. Article 34, para 1, providing death penalty when regulated under a republican law, was deleted in Article 1 of the newly enacted Law. Also, Article 38, para 2, stipulating a maximal 20-year imprisonment for major crimes was amended and runs as follows, "A 40-year imprisonment can be ruled for major crimes or the most severe cases of violent crimes. Such sentence shall be ruled only along an up to 15-year imprisonment sentence and shall not be ruled to a person committing a crime while under 21 years of age". A new provision was included in the Law, saying, "A person sentenced to 40-year imprisonment may be released from prison if this person has served his/her time for at least 20 years, under the condition that he/she commits no crime till the end of his/her full term (conditional release)".

The new Law officially abolished death penalty. The last execution actually took place way back in 1992. Since 1992 several people have been sentenced to death, but never executed. Most likely, the procedure of assessing constitutionality of constitutions of the two republics stipulating death penalty and thus discrepant with the Federal Constitution was seen as a hindrance.

However, the Federal Parliament failed to simultaneously decide what was to be done in cases of 33 persons sentenced to death (6 sentences are enforceable). Death sentences that have already been ruled, but not carried out, can hardly be replaced by the new Law's provision on 40-year imprisonment for major crimes. The people involved will never be executed as there is no longer legal ground for such acts, but their status is still uncertain. The Ministry of Justice takes that their status was not to be regulated by the Law on Amendments to the Criminal Code of the FRY, since these people have been sentenced to death under laws of the two republics, which implies that alternatives should also be provided in amendments to the two laws. The problem is that the Draft Law on Amendments to the Criminal Code of the Republic of Serbia does not stipulate the way of turning existing death penalties into alternatives. Introduction of a provision under which all ruled death penalties shall be replaced by 40-year imprisonment is the most logical solution to the problem.

The Draft Law on Amendments to the Criminal Code of the Republic of Serbia is scheduled on the Serbian Legislature's agenda in February 2002.

International Humanitarian Law (including Accountability for War Crimes)

Serbia is a country torn between morally necessary and foreign donations- conditioned co-operation with the Hague Tribunal. But resentment towards the latter is still conspicuous, for the Country is unwilling to face up to the Serb responsibility for war crimes committed in the territory of ex-Yugoslavia.

Since the January 2001 visit of Carla del Ponte, the Hague Tribunal Prosecutor, to Belgrade, when she strongly demanded co-operation of new authorities with the Hague Tribunal, an offensive manoeuvring aimed at shunning commitments towards the International Tribunal began.

The first of this responsibility-shunning manoeuvres was establishment of long-announced the Truth and Reconciliation Commission, allegedly tasked with examining developments which led up to the war and roles of each warring side. Deeming that the commission composed of domestic experts would be less biased than any other commission and institution, the FRY President Vojislav Kostunica translated that idea of his into practice. He thus explicated his

decision "I am convinced that only unveiling of all facts about armed conflicts in the entire war-ravaged area leads to facing the truth and general reconciliation within the country and among peoples in the region. Primary task of the Commission is to organise investigation aimed at unveiling evidence on social, national, and political conflicts which generated war, and shedding light on the causal chain of related developments".

The Commission initially composed of 19 intellectuals of different professional orientations and political leanings, at the very outset encountered serious difficulties. First Latinka Perovic and Vojin Dimitrijevic, the two prominent intellectuals, who in the past 15 years opposed national options and sincerely advocated peace, bolted from the commission. V. Dimitrijevic thus explained his move: "the Commission composed exclusively of citizens of the FRY (without a single Montenegrin representative) shall not be able to pass unbiased judgements on events which took place beyond the current territory of the FRY...the Commission faces an excessively vast scope of work, unlikely to be mastered ...". Latinka Perovic, in her open letter to the FRY President stated: "I don't see myself in the state commission ...because of its firmly institutionalised shape and consequently institutionalised framework within which the truth may be sought...moreover the commission's mandate is not clear". She also noted. "It is a state commission, as stems from provisions related to its work, and forwarded after a consultative meeting with you...and despite your claims to the contrary".

Since its inception, several other members also left the commission on similar grounds. In nine months of its work the commission has not released a single report. Moreover its activities, if any, are not transparent.

The new authorities either don't want to kick-start the process of facing, or they cannot do it. Their moves were limited to delaying the resolution of the war crime issues, for they hoped that the pressure of international community in this regard would decrease.

But when the international community spearheaded by the US threatened a new isolation of the FRY and curtailment of all foreign donations, the Serb authorities on 1 April 2001 arrested Slobodan Milosevic on the reasonable doubt that he has criminally misused his official position (offence covered by Article 174 paragraph 3 and paragraph 1 of the Penal Code of the FRY). Investigation for the same offence-financial mishandling and plunder of state revenues-was launched also against three high state officials.

In parallel with those proceedings, the pressure was brought to bear on the new authorities by some parts of public opinion and political parties to stage a domestic trial of Milosevic. The authorities, in turn, in a bid to manifest their readiness and ability to organise domestic trials for war crimes, disclosed that indictments were filed against members of the Yugoslav Army and police for crimes committed in Kosovo. For example the YA disclosed that criminal proceedings were instituted against 245 soldiers for criminal offences committed in 1 March 1998-26 June 1999 period. The army communique also noted that : "those persons are charged with criminal offences resulting in death, mutilation of bodies, and which threatened human lives, personal dignity, morals and property of citizens...some of them have been already convicted". One of Heads of the Ministry of the Interior of the Republic of Serbia, General Sreten Lukic (under the Tribunal's investigation for crimes committed in Kosovo) disclosed that 744 indictments were issued for criminal offences against Albanians. Of that number 244 persons were arrested. 66 of them were policemen charged with different criminal offences, ranging from killings to seizure of vehicles. But it bears stressing that those criminal proceedings were not instituted for the reasons they should have been instituted in the first place. Public at large has however learnt that that not a single inditcee has been charged with or convicted of crimes against humanity and violations of the laws or customs of war. Therefore the above moves of the YA and police were just attempts at relieving themselves of responsibility for systematically organising armed conflicts and ethnic cleansing over the past decade, and delegating that responsibility to criminal and deviant individuals among their ranks.

After arrest of Milosevic, the international pressure for his hand-over to the Hague Tribunal increased. One of the strings attached to further integration of Yugoslavia into the international community was precisely that hand-over. Torn between the pressure to hand-over Milosevic and the anti-hand-over mood at home - Serb people still believe in the honourable and lofty character of age-old Serb national goals and that heroic methods have been used in their attainment- the authorities after mollifying public opinion, opted for Milosevic's hand-over.

In spring 2001 first a local and then all the other media disclosed that a submerged refrigerating truck with bodies of a large number of Albanians killed during the NATO intervention, was hoisted out of Danube. The ensuing investigation also led to discovery of mass graves of Kosovar Albanians, killed in Kosovo and transferred to Serbia. Five mass graves were found, two in the vicinity of Petrovo selo, two near Batajnica and one near lake PeruCac. A total of 427

casualties was thus buried. According to the available information there are similar three mass graves in Batajnica, and one in the vicinity of Vranje highway.

»Sobering effects" of the aforementioned discoveries on the Serb population at large are best indicated by a survey titled "War Crimes and Mass Graves" conducted by daily "*Politika*" and Agency for Public Opinion Polls "Faktor Plus".

When asked whether Serbs committed war crimes, 50.5% of respondents answered affirmatively, and 44% of them stressed that members of other peoples (Croats, Muslims and Albanians) committed far more war crimes. 12.1% of respondents denied such possibility, while 37.4% said those crimes were unbeknown to them. According to 47.6% of the polled, most war crimes were committed by Croats, 21.4% of respondents inculpated Muslims, and 20.3% laid blame on Albanians. Only 1.6% of respondents thought that most crimes were committed by Serbs. When asked whether the existence of mass graves in the territory of Serbia should be publicly discussed, 27.9% of respondents thought that "such discoveries were a shame on the Serb people, and that any talk on them must be stopped", 38% of respondents think that "it would be better if we discussed crimes committed against the Serb people", 12.2% deemed such discussions "betrayal of the Serb people by the new authorities", while 18.8% think it's a "a right move and we should not shun the truth".

The evidence collected to date in the ongoing mass graves investigation indicated that the then regime and the top police officials tried to cover up and hide their crimes. Some names were mentioned but, perpetrators have not been yet officially named-or found.

In the meantime intellectual circles have got involved in a debate on legal possibilities for Milosevic's hand-over. A number of legal experts, spearheaded by the incumbent FRY president, deem that the Constitutions of the FRY and Serbia does not allow hand-over of our citizens and that such an action has to be preceded by promulgation of a special act on co-operation with the Hague Tribunal. Other group of experts rightly thought that the state was legally duty-bound to comply with provisions of the Tribunal's Statute and that the UN membership of the FRY compelled it to co-operate with the Tribunal. They also deem that obligation to be a necessary moral act. This mindless debate, whose first goal was time-buying, did not result in adoption of the act on co-operation. On top of everything the republican and federal authorities faced the threat that all loans and donations would be suspended unless Milosevic was handed over to the International Tribunal. In view of the latter the federal government on 23 June passed a Decree on Procedure of Co-operation with the International Criminal Tribunal, which among other things, envisaged a lengthy and complicated procedure for hand-over of indictees. Republican authorities, pressed for time, on 28 June, on the basis of provision that interests of Serbia must be protected if they are threatened by federal acts (Article 135 of the Constitution of Serbia), passed a Decision ruling that "in meeting their obligations and generally accepted rules of the international law relating to the work of the International Criminal Tribunal...bodies of the Republic of Serbia would act in compliance with the Statute and Rules of the Procedure of the Hague Tribunal and evidence presented by that Tribunal", and on the same day handed-over S. Milosevic to the Hague Tribunal on the basis of the Kosovo indictment.

In meeting the request of 50 lecturers of the Belgrade Law Faculty and different municipal committees of the Associated Yugoslav Left and the Socialist Party of Serbia for assessment of constitutionality of the Decree (23 June) the Federal Constitutional Court ruled on its extra-constitutional character and ordered government of Serbia to respond to allegations denying constitutionality and legality of its decision of 26 June 2001.

The second and last case of hand-over of war crimes indictees, was the one of brothers Nenad and Predrag Banovic, guards in the detention camp Keratim in Bosnia, charged with crimes against humanity and violations of the laws and customs of war.

The aforementioned indictees were arrested last November by members of the Belgrade State Security Services Centre, and members of the Unit for Special Operations (so-called Red Berets). Only after the arrest the Red Berets were told that they did not apprehend "dangerous criminals" but their fellow-fighters from recent war in Bosnia. This caused a revolt and the first public address of this extremely secretive Unit. Members of this unit who semi-covertly took part in all armed conflicts in the territory of ex-Yugoslavia and in whose training grounds mass graves were found (locality of Batajnica) stated that "unless legal grounds are provided they would no longer comply with orders of the Interior Minister of Serbia, that is, take part in the arrest the Hague Tribunal war crimes..." »it is shameful, we cannot apprehend Serbs as some hunted down beasts". After that announcement the Red Berets in full military gear and head masques blocked the highway and demanded resignation of the Interior Minister. After 10-day long negotiations, representatives of authorities and the Red Berets reached an agreement which was not made public. The only leak was that the Minister's resignation was not accepted by the government and that the Unit was not placed under control or command of any governmental body. It is obvious

that the aforementioned action of the "Red Berets" bearing all the hallmarks of an armed uprising, was not an expression of their dedication to legality and the rule of law, but rather a manifestation of their panic and fear that some of them might soon find their names on the Hague Tribunal list. That fear was compounded by an alleged list of the Hague Tribunal ran by weekly *"Reporter"* of 21 November 2001. On the list there were 345 names of "witnesses or suspects, participants in actions taken in Kosovo, members of the Interior Ministry of Serbia and names of 17 persons, war crimes suspects against whom evidence is being collected... One of them is Milorad Ulemek-Legija, former Commander of the Red Berets".

But recent indictments against Slobodan Milosevic for crimes in Croatia and Bosnia sowed a veritable panic among former "defendants of Serbhood." These indictments relating to "the criminal enterprise designed before 1 August 1991, and which lasted at least until June 1992 (Croatia) and the criminal enterprise which began on 1 August 1991 and ended on 31 December 1995 (Bosnia)" for the first time, along with Milosevic, mentions 17 persons, as participants in the said enterprises. Among those mentioned are: Borisav Jovic, the then President of Presidency of the SFRY, Veljko Kadijevic, the then Federal Defence Secretary, Blagoje Adzic, the then Chief of Staff of the YPA, Jovica Stanisic, the then Head of State Security, Franko Simatovic, nicknamed "Frenki", Head of Department for Special Operations of the State Security Services of the Republic of Serbia, Milan Martic, the then Interior and Defence Minister of SAO Krajina, Momir Bulatovic, the then President of Montenegro, Vojislav Seselj, President of the Serb Radical Party, the late Zeljko Raznjatovic Arkan, the then Commander of the Serbian Voluntary Guard, etc.

Recent visit of the Hague Tribunal prosecution team to Belgrade and its numerous talks with war crimes suspects, indictees and witnesses, indicate that Belgrade faces a very restricted manoeuvring room and cannot shun its responsibility for ever.

But the salient issue is the one of procedure of hand-over of war crimes suspects and indictees to the Hague Tribunal, as the act on co-operation with the Tribunal has not yet been passed.

Democratic Party of Serbia and its President (and the incumbent FRY President), the biggest opponents of the Hague Tribunal who cover up their animosity towards the Tribunal by insistence on "legal framework" of co-operation with the Tribunal, drafted Bills (republican and federal) on co-operation with the Tribunal. The federal bill outlines only guidelines of co-operation, while drafting of the entire procedure of co-operation and hand-overs are delegated to the republican law-makers. At the federal parliament session DOS MPs (barring DPS) refused to discuss the bill, for they thought that principal competence in the area of co-operation was in an unprincipled way delegated to the republican authorities. The DSS-drafted republican Bill formulates a procedure which includes the possibility for the Hague Tribunal investigating team to conduct pre-trial proceedings in the territory of Serbia-Yugoslavia, the one of rendering legal assistance to the Tribunal and the one of hand-over of all Serbian-FRY citizens, war crimes indictees, living in territory of Serbia/FRY.

Procedure foreseen by the Bill hinders and slows down the work of the Tribunal and limits co-operation and hand-over. Due to constraints stemming from the Bill, representatives of the Tribunal are placed in the position of a party in the proceedings, being conducted by national courts and government. According to the Bill "only actions approved by national courts may be taken by the Hague Tribunal representatives", which is in direct contradiction with Article 9 of Statute of the International Criminal Tribunal spelling out that national courts must defer to the competence of the former. For example Article 5 of the Bill envisages that "the Supreme Court may refuse to approve investigation if a competent state body submits convincing evidence in written form that launching of such investigation may prove to be detrimental to security and defence of the country". Even in a more flagrant contradiction with Statute of the Tribunal is provision of Article 9 of the Bill which spells out "request for hand-over of an indictee may be considered as lawful, if it includes confirmed indictment of the Tribunal along with evidence indicating a reasonable doubt that the accused committed any offence from the competence of the Hague Tribunal and arrest warrant". The aforementioned provision vests in national courts the power to question the veracity of counts of indictment, which is contrary to the HT Statute's principle of supremacy of the Hague Tribunal over national courts.

It is obvious that thus-conceived Bill is just another time-buying attempt, likewise the one of denial of legality and legitimacy of the Hague Tribunal by the anti-reform and nationalistic forces. At play is again the practice established in Milosevic era, the one which invokes "supreme interest of the state and people and national security".

Similar, but more naked intentions of "protection and rehabilitation of war criminals" are manifested every day in public statements of nationalists. Such intentions culminated in the establishment of the "International Committee for the Truth about Radovan Karadzic" by several prominent representatives of the "Serb national elite". At the first public presentation of the

Committee, its President. Dr. Kosta Cavoski, Professor of the Law Faculty in Belgrade, underlined that "as Karadzic is not in the position to defend himself publicly from the Hague Tribunal charges, the Committee shall take on his defence". Cavoski went on to note that "we must understand that the Hague Tribunal is just a sequel of war against Serbia, a new war waged by legal means... those incarcerated in Scheveningen are nothing else but POWs". In fact the Committee was established not so much to protect Karadzic, but rather its founders, for in the near future the question of their wartime responsibility, as masterminds and instigators of developments which had led to war, is likely to be raised.

One may conclude that as the list of the HT indictees and war crimes suspects is expanding, the manoeuvring room for avoiding their hand-over is narrowing. In parallel those directly or indirectly responsible for crimes committed in the territory of the former Yugoslavia are becoming increasingly aggressive and anxious. But it seems that the Serb authorities will be able to resist all domestic pressures, as indicated by a recent statement of the Serb Prime Minister "war crimes indictees whose hand-over is most urged by the Hague Tribunal (Ratko Mladic and the Vukovar Threesome) shall be soon handed-over regardless of existence or non-existence of the act on co-operation with the HT". This means that the Serb authorities have finally understood that co-operation with the HT is a basic prerequisite to be met if Serbia or Yugoslavia want to join global and European processes.

THE YUGOSLAV ARMY

The "great victory" of the Yugoslav Army (VJ) in the "Second Battle of Kosovo"¹ and its role in the "post-Kosovo cycle" - i.e., in the "reconstruction and development of the country" destroyed in the "NATO aggression" - was made much of by the VJ in an effort to project itself as hero. Throughout last year, whenever occasion called for offering "thanksgiving", the military leaders and President Vojislav Kostunica lauded this "valour" in order to revive the Kosovo myth and so to buttress the shaken prestige of the VJ and its chief, General Nebojsa Pavkovic.

Almost as much importance was attached to the part the VJ played in the "Serbian overthrow" in the autumn of 2000, especially to the "services" rendered by the present General Staff under Pavkovic to the new democratic authorities in those "dramatic moments" of "crushing the Milosevic regime". These "services" and the role of the General Staff call for a few explanations relevant to all that happened during 2000.

Slobodan Milosevic's decision to call elections in September 2000 was based on the calculation that the VJ would be on his side even if the elections escaped his control and took an adverse course. There are many reliable indications that the VJ was primed for the event in at least three ways: to begin with, members of the VJ were subjected for at least two months to moral-political propaganda to make sure they realized what lay in store for them and their families, as well as for Serbia and Yugoslavia, in case the opposition won the election; second, service voters were urged and even ordered to back the election ticket led by Milosevic; third, special units in full battle gear were kept in readiness to take action if and when it came to the crunch.²

Whether the possibility of the Milosevic regime being routed at the elections even entered the calculations of Pavkovic in his capacity as Chief of the General Staff and of his like-minded officers is a big question. The hypotheses that Pavkovic was prepared for just such an eventuality ought not to be dismissed lightly.³ Pavkovic is too circumspect, artful and intelligent a player to have exposed himself to risks in a political game in which his personal stake was not inconsiderable. Even if he had had no other information than that served to him by the various military intelligence services, he could easily have deduced that the overwhelming segment of the electorate, ground by multitudinous misery, was bent on change and prepared to defend its election victory at all costs. Pavkovic must also have been aware that he possessed no effective weapon against the seething millions of people in cities and towns all over Serbia.

The citizens themselves, traditionally inclined to regard "their army" as a paragon of virtue, took all the information emanating from the General Staff more or less for granted. It was this extraordinary credulity in particular that the military propagandists had in mind when they launched the rumour that Pavkovic had been expressly instructed by his "supreme commander" Milosevic to use arms to keep the regime in power. Pavkovic was then said to have opposed Milosevic because he wanted to "prevent bloodshed" as well as to let the majority of voters enjoy their victory scored at "democratic and fair elections".⁴ Although the part Pavkovic played as mediator during the critical moments when power actually passed from Milosevic to Kostunica remains unclear, the military authorities waved about the above allegations to maximum effect throughout 2001, whenever the question of Pavkovic's dismissal was raised.

Kostunica indicatively put forward the same “arguments” in his “critical defence” of his leading general. Most experts and ruling Democratic Opposition of Serbia (DOS) leaders were namely of the opinion that Pavkovic, as one of the pillars of Milosevic’s regime and its *de facto* commander-in-chief, must be dismissed from his post of Chief of the General Staff soon after 5 October 2000. They believed that that was the most appropriate time to effect the change in the least painful way. But the Kostunica camp offered every argument to keep Pavkovic in office, including the problematic explanation that Pavkovic’s dismissal would “destabilize” the VJ and undermine the very foundations of the frail federal state.

The relationship between Kostunica in his capacity as “supreme commander” and his Chief of the General Staff is important for two reasons: first, it constituted the fundamental chain of command ensuring the functioning of the VJ last year; second, it has a bearing in more or less degree on all the issues dealt with in this report.

By keeping intact the entire military leadership installed by Milosevic, Kostunica and those who share his ideological and political views have made clear that they do not want to pull down the main pillars of the former regime. Their unwillingness to break with the Milosevic era and to wipe the slate clean has been most transparent.

As well as possibly causing the VJ to collapse as an institution, the dismantling of the military leadership would bring the war legacy into the open, a prospect relished neither by Kostunica, Pavkovic, and other generals, nor by the right-of-centre political forces in Serbia, especially those farther to the right. There is no doubt that all of them have reasons to fear the consequences of such an outcome. Therefore both Kostunica and the “patriotic forces” front want to make sure that Milosevic bears all the blame. A purge of the VJ could embarrass many in the DOS; for example, photographs and footage of their visits to various headquarters observation posts at one time or other constitute hard evidence of the part played by the Serbian political and intellectual elite in setting the war machine in motion. Unless the war accounts are settled and the evidence is made public, Serbia/Yugoslavia stands little chance of being transformed into a free democratic political community. Unfortunately, for Kostunica and the top generals led by Pavkovic, these problems are insoluble.

The persistent refusal of Serbia/Yugoslavia to confront the recent past is reflected in her attitude towards the Hague Tribunal. The situation has not improved much since Kostunica made the famous remark that obligations to the Hague Tribunal would be “the very last thing on my mind”. Although the international community has made financial assistance conditional on co-operation with the Tribunal and on the extradition of war crimes suspects to it, some of the moves made by the Belgrade authorities resemble everything but true co-operation with the Tribunal. Similarly, the debate on the draft law on co-operation with the Tribunal was a farce.⁵

The VJ General Staff as well as the officer corps have much cause to worry for a number of reasons: the General Staff has in the past decade been in the forefront of opposition to the Tribunal; the VJ has been a bastion of defence and protection of senior domestic officers suspected of committing grave war crimes, especially of the “Vukovar three” and the former Bosnian Serb commander, General Ratko Mladic; and there are bound to be far more passengers to The Hague from the ranks of the VJ in the future.

All this is complicating the situation and making it very difficult for Serbia/Yugoslavia to move towards Euro-Atlantic integration, especially towards the Partnership for Peace, an objective of almost strategic importance on which some politicians in Belgrade insist frequently. But being a partner of NATO means that certain conditions must be fulfilled: the VJ must be thoroughly reformed according to the criteria of the modern armies making up NATO; and that the VJ must be subjected to civil control as are the armies of the Western democracies. In 2001, no effort was made in this direction.

The analysis presented in this text will focus on the following topics: 1. Supreme Command and Civil Control of the VJ in 2001; 2. Announced and Realized Reforms in the VJ; 3. The Officers Sought by the Hague Tribunal; 4. Accession to the Partnership for Peace (Un)certain; 5. Certain Aspects of the VJ’s Relations with Big and Small (neighbouring) Armies in the World.

1. Supreme Command and Civil Control of the VJ in 2001

1.1. The Functioning of the Supreme Defence Council

Since Vojislav Kostunica became the “supreme commander”, only four meetings of the Supreme Defence Council had been held by the end of 2001: two in 2000 (in Podgorica on November 1, and in Belgrade on December 25) and two in 2001 (in Podgorica on September 11, and in Belgrade on December 26). In other words, the meetings of the “supreme command” were

as irregular and widely spaced as they were in Milosevic's time. This alone indicated a lack of principle.

In view of the political context in which the meetings took place, it is clear that the Supreme Defence Council met primarily to discuss political issues rather than the VJ and questions of defence because its messages were directed chiefly against Kostunica's political rivals. While the messages were dispatched mainly through informal channels of communication, the official statements were couched in such terms that they were difficult to figure out.

According to the Constitution and statute,⁶ the Supreme Defence Council is an institution of great importance for the state and society from the point of view both of direction and command of the armed forces and of their institutional civil control. However, in practice the body is as much marginalized in military-political terms as it was under Milosevic; thus only two of the four meetings were held in the presence of all its members.⁷ But even those two meetings were problematic: first, because the President of Serbia, Milan Milutinovic, is a war crimes suspect sought by the Hague Tribunal; and second, because the President of Montenegro, Milo Djukanovic, had lost interest in Council decisions once the second meeting chaired by Kostunica had complied with his request for changes in the commanding personnel of the Second Army and the Navy and that in charge of the military sector of Golubovci airport. The public is still kept in the dark about the procedure for convoking and holding Supreme Defence Council meetings and whether decisions are taken by consensus or by simple majority vote.⁸ It is also unknown to whom the Supreme Defence Council is accountable for its work.

Vital issues concerning the security of the country and the functioning of the VJ did not figure prominently on the agenda of the Supreme Defence Council in 2001. One such issue involved the unexpected and complete dismissal of the commanding officers of the Air Force and Air Defence (PV and RVO) with General Spasoje Smiljanic at their head,⁹ as well as the engagement of VJ special units in southern Serbia.¹⁰

Although in practice the Supreme Defence Council is dominated by Kostunica, the crucial relationship between Pavkovic, Kostunica, and his national security adviser, the rather enigmatic Rade Bulatovic, remains somewhat of a mystery. Whatever this relationship, the VJ under Kostunica continues to be directed and commanded in much the same way as before.

1.2. Civil Control of the VJ

The syntagma "civil control of the VJ" had never occupied as much media and public attention as it did in 2001, being the subject of several discussions.¹¹ In addition, the Institute of the Arts of War (an organic component of the General Staff) on 9 October 2001 organized a round table on "Civil Control of the Armed Forces".

a) Institutional and non-institutional control

In spite of all these discussions, no consensus was reached on what "civil control of the Armed Forces" would mean for Serbia/Yugoslavia. In all fairness, the generals alone ought not to be blamed for this lack of progress, for it would be absurd to expect generals and colonels to be the sole proponents of civil control of the VJ, just as it would be absurd to expect an undemocratic society to regulate its civil-military relations on the model of developed Western democracies. It therefore comes as no surprise that the frontline generals should have voiced the fear that civil control might "impair the principle of single seniority and the unity of command"¹² and jeopardize the principle of subordination.

Although even professional soldiers have come to realize the need to exercise democratic control of the VJ, most military personnel dismiss the idea with disparaging comments such as "some civil control or other" and "an army that has to be controlled by amateur civilians must be a wretched affair indeed". In opposing civil control even this argument was put forward: "The authors of the idea of civil control of defence come from the member countries of NATO, primarily from the USA. Yet there is no evidence that the army which took part in the aggression against the FRY was under any civil control..."¹³

The main arguments set forth in opposing institutional supervision of the VJ are as follows: there is already a Committee for Security and Defence in the federal Assembly; the VJ is commanded by the Supreme Defence Council whose all three members are civilians; the federal Prime Minister, who is also a civilian, as a rule attends meetings of the Supreme Defence Council; the federal Minister of Defence is also a civilian. In practice, however, this is not so.

The Supreme Defence Council met only sporadically; the Committee for Security and Defence did not raise any important issue concerning the VJ last year; the federal Prime Minister took no initiative in the sphere of security and defence; and the then federal Minister of Defence,

Slobodan Krapovic, wrote in a signed article published in *Politika*: "In the period since 5 October 2000, the Federal Ministry of Defence has operated also as a most important democratic civil control of our defence system..."¹⁴

There is no substantial evidence to support the above allegation. The Ministry of Defence, where all key posts are occupied by generals and colonels and most other posts by lieutenant-generals and majors, is still a mere extension of the General Staff, whereas in conditions of democratic control the General Staff would have to defer to the Ministry. Of course, there is also the fact that the head of the Inspectorate-General of the VJ is statutorily subordinated not to the Supreme Defence Council, which would be normal, but to the Chief of the General Staff, who is also the superior of the heads of the VJ intelligence services. From this it follows that the man, or a group of men, at the top of the VJ still have considerable elbow-room to exercise arbitrariness.

Although nearly all DOS leaders are openly supportive of civil control of the VJ, the coalition has no clear idea how to effect such transformation of civil-military relations. To a number of officers of the state, civil control means solely control of the military budget; this is no doubt a very important sphere but there are others as well. Many others look upon civil control as a mere formality, holding that civilians are neither trained nor called upon to pass "expert opinion in the sphere of the use of force".¹⁵ (Such views reinforce the determination of the larger segment of the officer corps resisting substantial reform of the VJ.)

One cannot discuss such matters as civil control and military budget control unless one is informed about the structure of the army, the principles governing its use in combat, its exercise and other arrangements, and how the military budget is spent. The decades-old practice of keeping the public in the dark about such matters continued in 2001. Although the VJ Accounts Department Centre has meanwhile been transferred from the General Staff to the Ministry of Defence, enabling every member of Parliament to inspect the accounts, this does not mean much. A new normative arrangement of the relations between the civilian and military authorities, above all of the relations between the institutions of the system, is one of the priorities in reforming the VJ. The much-vaunted amendments and supplements to the Law on the Yugoslav Army contain nothing new worthy of mention.

In well-regulated states, informal control has considerable scope and is highly ramified. Furthermore, in those states the media play a special part in such control. In Serbia, however, the media role is confined mostly to attending the news conferences of the military spokesman, Colonel Svetozar Radisic, which he holds about once a month, and to transmit his statements about the successes of the VJ and its reputation among "our people". The usefulness of these news conferences can best be judged by the "recital" Radisic gave at the end of April 2001, which *Vojska* published in its double issue for April 26-May 5.

b) Elements of politicization of the VJ and the militarization of society

Such civil control of the VJ as exists is a far cry from the type of control which is exercised by highly democratic societies. The current domestic variant is merely a softened version of the control to which the VJ was subjected under Milosevic. Whereas certain steps have been taken since the fall of the Milosevic regime towards democratizing society, the Armed Forces have undergone mere cosmetic changes, leaving them basically the same as before. No substantial effort has been made to put the relationship between the civilian and military authorities on a new footing that would result in a strictly regulated statutory, balanced, and, above all, effective control of the VJ.¹⁶

Though the VJ continues to be controlled through politicization, this method is not as thorough and as brutal as it was under Milosevic. The VJ is no longer the "political factor" to be reckoned with and the generals are not as frequently seen at political rallies and other political events as before; gone are the days, for example, when their presence regularly graced the promotions of books and other highbrow whims of Milosevic's wife, Mira Markovic. However, the truth remains that the VJ is not commanded by the Supreme Defence Council but effectively again by one man. Because Kostunica has not frozen his function as president of the DSS, "the VJ can still be considered as being instrumentalized, because it is commanded not by the president of the state, but by the president of a political party".¹⁷

The elements of the politicization of the VJ are intermingled with those of the militarization of society. That these two processes are not necessarily incompatible is best illustrated by the rhetoric used by General Vladimir Lazarevic, commander of the hitherto Third Army, in exonerating Pavkovic as a possible war crimes indictee: "To accuse the wartime commander of some crimes in Kosovo and Metohija is effectively to blame all such crimes on all the 130,000 fighters of the Army..."¹⁸ One may interpret this message as a threat to use force against all who

dare openly to question the “heroic” and “patriotic”, i.e., “blameless”, role of the Third Army and its “wartime commander” Pavkovic in the “1999 Battle of Kosovo”.

There were many similar examples in 2001, one of them being Pavkovic’s public support for the paramilitary (“fatherland”) organization calling itself the Serb Liberation Army (OSA).¹⁹ It was only after an anonymous letter - addressed to the Office of the federal president and threatening Nebojsa Covic with liquidation for “collaborating with Albanian terrorists”, for insisting that the “generals desist from meddling in politics”, and for expressly forbidding them, in his capacity as head of the Co-ordination Body for southern Serbia, to flaunt political statements - that concern was raised and provoked encouraging protests of the domestic democratically-minded public.²⁰ In connection with the statement, the Information Service of the General Staff disassociated itself from the anonymous letter,²¹ a gesture merely reinforcing the belief that the letter had been concocted by the General Staff (“The text was probably made public to destabilize the VJ and the situation in southern Serbia. This manner of dealing with problems and informing the public is inappropriate for members of the VJ, given that under the Rules of Service of the VJ collective submissions, especially anonymous, are not permitted...”).

The Information Service missed no opportunity to react severely to all criticism of the VJ, especially of Pavkovic, an indication that no break with past practice had been effected. This shows that those determined to reform the VJ face an uphill struggle because the “patriotic soldier” is in far greater esteem than the professional. The VJ is still an army with a corporate, predominantly traditionalist identity and as such more of a myth among the institutions of the state than a profession like any other profession.

1.3 The Critical Defence of Nebojsa Pavkovic

a) The strategy and tactics of the “supreme commander”

At a scientific conference entitled “Civil Control of the Armed Forces”, Kostunica made public his strategy of defending Pavkovic as follows: “There is a constant pressure for personnel changes in the Yugoslav Army. Though personnel changes are part of reform, they are not its essential part, but only a consequence of reform. Reform of the Army is essentially not carried out by the soldiers, but by the citizens through their representatives in Parliament and in the legally elected organs of government.”²²

These opening words showed what Kostunica thought of the demand by a segment of the public to dismiss Pavkovic. Kostunica’s further defence of Pavkovic was summed up in the sentence: “General Pavkovic suggested that he should go, but I asked him to remain for the sake of the reforms being carried out in the Yugoslav Army and conceived by him.”²³ It is not clear who actually stands behind such statements. However, in the conflict between the faction led by Kostunica and that led by the Serbian Prime Minister, Zoran Djindjic, the VJ is the prerogative of the first and the police of the second. In such a constellation of forces, it was unrealistic to expect that Pavkovic would be sacked, although precisely that was predicted by many analysts. Pavkovic’s dismissal was especially unlikely in view of an electoral race announced for 2002.

In all these events connected with Pavkovic, the office of President Kostunica, especially head of office Ljiljana Nedeljkovic and Kostunica’s security adviser, played a prominent part. Their activities were particularly inconsistent with their authority in matters concerning appointments and dismissals, notably the complete dismissal of the commanding personnel of the RV and PVO at the middle of last summer.²⁴ Likewise, doubts were elicited in a segment of the domestic public by the following two events: a) the appointment (by Kostunica) of retired General Radovan Radinovic, the well-known strategist in the wars in the former Yugoslavia, as military expert in Serbia’s negotiations with Montenegro on recasting the FRY; and, b) the appointment (by Kostunica’s decree) of Major-General Dr Zoran Stankovic as head of the Military Hospital (VMA) in Belgrade.²⁵

It may be said with a fair degree of accuracy that the above three elements constitute the pillars of the defence of Pavkovic as chief of the General Staff. For some time to come, the exact nature of the complex relationship between Kostunica and Pavkovic will remain a mystery. Likewise, it is hard to tell whether Pavkovic is subordinated to Kostunica, as he should be under the Constitution and statute, or whether Kostunica is subordinated to Pavkovic. The second possibility ought not to be dismissed because it is supported by numerous statements by persons who were once members of the General Staff themselves. They are retired General Momcilo Perisic, who served for many years as chief of the General Staff during the “golden era” of Milosevic’s rule and now heads the Movement for Democratic Serbia, and Blagoje Grahovac, another retired general who held a senior post in the RV and PVO Command under Milosevic and is today military adviser to Montenegrin President Milo Djukanovic.

On the other hand there is the conservative camp, headed by Kostunica, for whom the Greater Serbia nationalistic project is not a thing of the past. There may be some truth in the allegation that Kostunica is the man who can keep Pavkovic, a very able and ambitious general whose "nationalistic and patriotic" sentiments have never been in doubt, on a short leash.

Pavkovic's self-defence had serious flaws that became fully apparent in his scathing attacks on certain journalists, particularly those working for the Belgrade daily *Danas*, when the General Staff poured out its hatred of non-Serb citizens of Serbia.²⁶ Pavkovic's self-defence became prominent in the events in southern Serbia that took place in the spring of last year.

b) The general's self-defence

In accordance with the plan of Nebojsa Covic, the head of the Co-ordination Body for crisis management, the VJ was employed as an advance guard in southern Serbia in a totally new way based on prudence rather than bullying. The new approach aroused suspicions within the VJ. At the end of February 2001, Pavkovic spoke on a local television channel in Cacak and said this in connection with Covic's plan and the engagement of the VJ: "If it is accepted, we shall have to make many concessions, because the position of the NATO representatives is that first of all the army has to pull out so that only the Albanians remain there. I have been telling the state leadership among others that, if the Army should become the factor of "disruption" in those parts, then the easiest thing for us to do will be to pull out..."²⁷

Up till the very end of the initial stage of the VJ's entry into Sector B of the Ground Security Zone, Pavkovic remained highly sceptical towards Covic's (risky) peace-making "Presevo operation" and he even referred to Covic ironically as "marshal".²⁸ In those days "patriotic Serbia" closed its ranks into a solid front against Covic, demanding his resignation as head of the Co-ordination Body.²⁹ However, according to *Novi Ekspres*,³⁰ no sooner had the first echelon entered Sector B virtually without a hitch than Pavkovic rang up Kostunica on mobile at 7.20 a.m. on 12 March 2001 to report the following: "Mr President, the task has half been carried out..."³¹ The report tells us two things: the general was in a hurry to inform his "supreme commander" in order to beat Covic to it, so he could attribute to himself the possible full success of the mission; being an outstanding tactician, he also gave himself enough ground for retreat in case the operation backfired before it was completed, considering that the Joint Security Force was in the sights of the other side all the time.

Pavkovic was obviously concerned about the growing popularity of General Ninoslav Krstic, the commander of the Joint Security Force, so Krstic was dismissed notwithstanding the success of the operation under his immediate command. The decision provoked a stormy reaction, Krstic's dismissal was shelved, and he was appointed Covic's deputy. In order to hush up the affair, Kostunica conferred the Order of the Yugoslav Flag of the First Degree on both Krstic and Pavkovic. Pavkovic, in his capacity as chief of the General Staff, then offered a decoration to Covic, but Covic refused it.

Pavkovic next mounted an offensive propaganda campaign, accompanied by numerous interviews and statements, to boost the "great success" of the VJ in southern Serbia. On 26 March-3 May 2001, the weekly *Vojska* published an editorial by Colonel Milorad Pantelic in which he wrote: "The return of the Yugoslav Army to the Ground Security Zone, in a situation where even a mighty military machine such as NATO is unable to handle the Albanian terrorists, is no doubt the best confirmation of its true values - professionalism, combat readiness, and morale. Also of the steady growth of its reputation in the country and abroad".

Pavkovic had already established a considerably strong foothold in the Serbian Orthodox Church. Shortly after October 5 he had met Patriarch Pavle, probably with the help of Kostunica himself. Soon afterwards, the Morale Department of the General Staff had organized a round table on "Regulation of Religious Affairs in the Yugoslav Army",³² which both the General Staff and the Office of the "supreme commander" considered an important step in reforming the VJ.

Great publicity was also given to the promotion of the collected papers from the round table, under the same title of "The Army and Religion", which took place at the VJ Central Clubhouse in Belgrade at the middle of March 2001. The promotion was honoured by the president of the Serbian Academy of Sciences and Arts (SANU), academician Dejan Medakovic, who told the worshipful audience that "it is no accident that the Army should have initiated the round table resulting in this book...The Chief of the General Staff and his subordinates have undertaken to carry out all the necessary preparations to introduce the "divine service" (in barracks) in "eleven towns in Serbia". Although Pavkovic wasted no time in fully exploiting this "significant step in transforming the Army" for political purposes, the public is yet to be told how the Church is getting on in the barracks.

Kostunica's statement in an interview with *Vojska* that the "profession of one's religion is one of the fundamental human rights...and that it would be perfectly normal to allow such a thing in our army too..."³³ is beyond dispute. But just as it is the fundamental right of atheists to be atheists, soldiers of a different faith who are serving in the VJ are fully within their rights to practice that faith. One wonders whether and how the VJ has solved this problem.

A number of affairs associated with Pavkovic remain unexplained to this day: there is a scandal involving the procurement of medicines for the VMA; a number of stores in Krusevac and in some other towns in Serbia dealing in luxury goods have complained that a group of generals' wives, led by Glorija Pavkovic, purchased articles on deferred terms without ever paying for them; and Pavkovic is said to have abused the housing fund. The former head of the Finance Department of the General Staff, General Zivota Vujcic - who appeared before the Military Court in Belgrade on charges of abuse of office - said that "Pavkovic himself does not know how many flats he has".³⁴

2. Announced and Realized Reforms in the VJ

2.1. A general survey

The transformation of the VJ into "something new", into a "new quality", has figured prominently in the statements of VJ officials made at nearly all gatherings indirectly or directly connected with the VJ, or at others associated with the VJ.³⁵ However, there is much confusion regarding both the idea and the terminology. Even military experts have been unable to agree on the terms, their most frequent references being to: transformation, reform, reorganization, rationalization, modernization, professionalization, politicization, de-politicization, de-partisanization. Whatever they mean by these terms, the fact remains that there is hardly any transformation to speak of.³⁶

Because the DOS has no agreed strategy of social and economic development of the country, it has no consistent transition strategy either. This largely accounts for the fact that the present government lacks a strategic blueprint for reconstructing the general system of security, a plan which would be compatible with the collective security model (insisted upon by the international community) and hinging on the fundamental transformation of the VJ. Even if there were such a plan, it would have to be passed by experts, debated in public, and verified in Parliament.

The adoption of such a plan is frustrated by the conflict between Djindjic and Kostunica and by the Milosevic die-hards who still wield influence in the VJ, the police, and the Mafia backed by various paramilitary gangs. In addition, fundamental reform is obstructed by the various right-wing political groups propagating nationalism and even racism. In view of the general economic situation in the country, a plan for transforming the VJ and the police is almost a matter of urgency.

On 14 December 2001, the International Press Centre in Belgrade promoted a draft plan for reforming the policy of national security,³⁷ a 1000-page project commissioned by Kostunica and Djindjic and prepared in collaboration with East West Institute of New York and the Centre for Democratic Control of Armed Forces of Geneva. The fact that the project cost the state USD 600,000 was condemned by Miroslav Lazanski³⁸ and like-minded military experts as "throwing money away", because "we too have expert and intellectual forces who could have come up with a better project for less money".

2.2. The Ministry of Defence

The Constitution and statute do not clearly delineate the jurisdictions of the VJ General Staff and the Federal Ministry of Defence, the former appearing to be more favoured of the two. These flaws have not been eliminated by the amendments and supplements to the Law on the Yugoslav Army.³⁹ Whatever the law says, the Ministry has played a marginal role in practice in decision-making on all crucial matters of defence and security; thus, instead of taking precedence over the General Staff, which would be in keeping with the concept of democratic control of the armed forces, the Ministry operated as a mere extension of the General Staff in 2001, being structured and staffed in such a way as to be dominated by professional soldiers, particularly generals.

The friction between the minister of defence and the chief of the General Staff engendered by this relationship was skilfully hidden from the public up to the very end of the year, the dispute ending in the irrevocable resignation of the minister of defence, Slobodan Krapovic.⁴⁰

Judging by his statements, Krapovic, a medical practitioner by profession, had launched into a "substantial reform of the Army" in order to depoliticize it and to subject it to civil control

according to quite different rules. He had been considerably involved in the preparation of the "Defence Doctrine of the FR Yugoslavia";⁴¹ what progress was made in framing this document is not known. Krapovic himself had been saying up till September last year that both the Defence Doctrine and the Military Doctrine were for the most part complete and that only the final outcome of the Serbian-Montenegrin dispute was awaited before certain "innovations" could be entered into the documents. There is no longer any mention either of the Pavkovic military doctrine, formulated by the Institute of the Arts of War half-way through the war decade and trumpeted during the "post-Kosovo cycle" to make the most of the "victory". This surely says a lot about the situation in the armed forces and about civilian-military relations.

One might infer, on the basis of some indicators, that Krapovic and Pavkovic were never in agreement in principle on depoliticizing the VJ, reforming the military judiciary, and on other important questions of military organization, especially not on reform and civil control of the military intelligence services.

2.3. The secret military service and VJ special units

a) The services

The General Staff has always reacted sharply to any mention of the Counter-intelligence Service (KOS) and the "secret military services" in public. Both the Intelligence Service and the KOS operate within the VJ as one unit - the Security Service - under the direct command of the Security Department which forms an organic part of the General Staff.

The principles of democratic control of the VJ require that both these wings of the Security Service should fall within the jurisdiction of the Ministry of Defence, something Pavkovic and the General Staff vehemently oppose. Because the present personnel policy in the VJ, i.e. the appointment of generals, is in all probability the sole prerogative of Pavkovic, Kostunica, and Kostunica's Office, the principles of control mentioned above should give the Ministry of Defence at least the right to pass its opinion on every personnel matter involving promotion in rank or service, appointment to key posts, and retirement.

The office of head of the Security Service is no doubt one of the most important in the military command structure. In connection with this highly sensitive matter, a number of facts strike the eye: first, four generals - Aleksandar Dimitrijevic, Geza Farkas, Milan Djakovic, and Aco Tomic - have been relieved of this post in the past four years, which is not a bad thing in itself were the decisions not in the hands of a very small circle of people; second, the last two replacements took place during 2001; third, General Aleksandar Vasiljevic was reactivated during the NATO intervention to render his "good offices" to the "Fatherland" for a second time before he was pensioned off again.

The General Staff was thoroughly alarmed by passing references to the VJ's "secret services" at a time when the State Security Service ostensibly opened its files to the citizens to inspect them. The General Staff, which professes that in principle it "has no objection to civil control of the VJ" and to control of the "intelligence security organs" because such control is "part of the total democratization of society", reacted with lightning speed: "Rash and uncontrolled disclosure to the public of the documentation of the Security Service of the Yugoslav Army, without a clear objective and outside a valid legal framework, could cause serious damage to the security of the state".⁴²

The General Staff also resorts to demagoguery in pointing out that the "necessity of comprehensive control of the work of the Service and of its openness to the competent institutions of the state, to the competent officers, and to the public has never been in question" while, on the other hand, insisting on a "lawful and statutory procedure so as not to imperil the vital interests of the state".⁴³ In other words, the Service and the generals agree to submit themselves to civil control according to the rules determined by themselves.

In view of the continuing omnipresence of the Service, there can be no doubt that its strong-rooms contain files on military and civilian persons employed by the VJ, as well as on persons outside the VJ in whom the Service is interested. So far the practice has been to justify everything by the ubiquitous military secret, meaning that reform of the Service will call for re-defining the term military secret.

b) The special units

The 7th Battalion of the Military Police is probably the most widely known special unit, having been engaged in Montenegro before 5 October 2000. The behaviour of these policemen

and their intimidation of the local population, especially during the preparation and executing of the republican and federal elections, has been widely reported by the media.

The radical purge of the Command of the hitherto Second Army based in Podgorica, carried out after the second meeting of the Supreme Defence Council under the chairmanship of Kostunica and at the insistence of Milo Djukanovic, necessarily affected the 7th Battalion. After being withdrawn from Kolasin and Bijelo Polje to garrisons in southern Serbia "by necessity of service", it has been out of the public's eye. The military authorities have, of course, never admitted the public charge that the Battalion was used in "psychological operations" although there is clear evidence to that effect.

All units of the VJ which were part of the VJ Special Units Corps until the middle of last year (the Corps was disbanded and its Command abolished, otherwise everything remains the same) bear special insignia and are called special units. They are the Guards Brigade, the 63rd Parachute Brigade, the 72nd Brigade (incorporating the anti-terrorist squad the Hawks); the 82nd Marine Commandos, and the Cobras, who are under the direct command of the Security Department.⁴⁴ The Cobras take care of the personal security of Kostunica and Pavkovic.

Although special units form part of nearly all modern armies in the world, their number in the FRY is out of all proportion to the country's population. Thus Yugoslavia's neighbours have one special operations unit each. In terms of combined military and police "red berets", the FRY is clearly one of the exceptions. These units are too numerous and their training very expensive. But the main problem concerns their direct command and their direct responsibility.

The operations in which these special units took part during the war in the former Yugoslavia is a strictly guarded secret. Reform of the VJ would have to reduce their number to a realistic figure and make them directly subordinated to the General Staff. The generals are currently apt to attribute everything to terrorism, "the number one evil of the modern world". The importance the present military-political establishment attaches to special units is shown by the fact that only one large exercise worthy of mention was carried out last year. The joint demonstration exercise of VJ and Serbian police special forces, named "Stit 2001" (Shield 2001), was attended by the "supreme commander" among others and described on seven pages by *Vojska* on 1 November 2001 under the title "Odlucan odgovor teroristima" (A determined riposte to the terrorists).

2.4. The would-be technical-technological reforms

a) No surplus of strategic commands

President Kostunica told the "scientific gathering" on civil control of the armed forces that "The transformation of the VJ should be simultaneously commenced and gradually realized in phases. That would imply its rationalization, as a first phase, then its substantial reduction, changes in its structure and organization, and its training in modernization".⁴⁵

This statement is contrary to another one he made before the New Year, when he commended Pavkovic for having "framed the reform being carried out in the Yugoslav Army"; it also clashes with his allegation that "in the course of past year the Army has embarked upon serious structural changes, the biggest to have been undertaken by any of our institutions". After this, it remains uncertain whether Pavkovic and the VJ have already "carried out reforms" or have just "embarked upon structural changes".

The public is informed about some of the conclusions reached at the Supreme Defence Council meeting.⁴⁶ The official statement stressed that the army commands, as well as that of the RV and PVO, had been abolished and that the VJ would in future be organized on a corps basis. The scrapping of the five strategic group commands led the public to believe that some changes were under way.

In reality, however, these changes were not as far-reaching as the public had been made to believe: first, no European state organizes its armed forces into unwieldy groups such as armies, but into corps; second, a prerequisite for membership of the Partnership for Peace is that the VJ should cease being modelled on the Russian Army and should conform to NATO criteria instead; third, since the Air Force and the Navy are poorly equipped in comparison with, and therefore no match for, their counterparts in modern armies, the abolishment of their commands did not actually count for much.

Such reforms as were carried out were the result of necessity, for so large an army would be an insupportable burden for far richer countries. Real reform would entail a change of the policy, strategy, and doctrine of defence and security, as well as a radical sifting of the commanding personnel at all levels. But there has been no sign of this, and the VJ is simply a scaled-down replica of its old self.

b) The “Dynamic Plan for Rationalization and Partial Reorganization”

In October 2001, the VJ made public its “Dynamic Plan for Rationalization and Partial Reorganization”.⁴⁷ The plan consists of two sections: “nationalization” and “partial reorganization”. “The rationalization is here taken to mean a preliminary action in the process of reorganization...relating above all to the possibility of expanding the organizational wholes such as garrisons, garrison centres, detachments, and the like”. In other words, the VJ would “disassemble ten units of regiment-brigade rank, twenty-two battalions, and four companies. Eleven regiments and twelve battalions will be restructured, and three companies, ten battalions, twelve units of regiment-brigade rank dislocated...” Next, “that which has often been talked about in public - alienation of part of the immovables, such as barracks, tracts of land, storage facilities...” This means that the VJ would sell by auction “fourteen barracks, twenty-three storage facilities, forty blockhouses, sixteen parcels of land...” “The proceeds thus obtained would be directed towards housing construction, as well as to finance functions of vital importance for the combat readiness of the VJ...”⁴⁸

The first phase of the plan, consisting of rationalization interlaced with reorganization, commenced on November 1 and was due for completion at the middle of 2002. The second phase was given as follows: “After that, a dynamization of reorganization is expected.”

If the principle of subordination had been observed, such a plan could not have been adopted before the decision to abolish the aforementioned strategic group commands, the purpose of the plan being to help the operationalization of the decision. Notwithstanding its importance, the plan was not verified by the Supreme Command though the 11 September 2001 meeting of the Supreme Defence Council was said to have “considered an initiative to transform the Yugoslav Army”,⁴⁹ indicating that the plan too was commenced by “initiative”.

The statement released from the Supreme Defence Council meeting says that “comprehensive reform of the Yugoslav Army should be realized after the state is definitely structured.” It cannot be denied that the open question of the state (concerning the future of Montenegro and Kosovo) hangs heavily on the civil-military relations as a whole and poses a serious obstacle to the fundamental transformation of the VJ, a fact underlined by both Pavkovic and his “supreme commander” Kostunica. But Kostunica is not making rational moves to eliminate the sources of crisis. On the other hand, these obstacles are a convenient pretext to postpone substantial transformation of the VJ *ad infinitum*.

c) The military industry

Because the “Dynamic Plan” was never presented to the public in its integral form, the state of the military industry, referred to as the “special-purpose industry”, remains unknown. A year after the NATO intervention, the General Staff remained divided whether the degree of damage caused the military industry by the NATO missiles and bombs should be made public. The General Staff minimized the “effects of the war” on the military production capacity in spite of published reports by experts indicating heavy damage of many plants.⁵⁰

It was only after an “expert consultation” in Belgrade in February 2001 - bringing together the domestic military-technical elite consisting of engineers, technicians, designers, researchers, and innovators on the one hand, and military strategists and operatives on the other - that it became known that of the total fifteen “special-purpose” plants (eleven in Serbia and four in Montenegro) “seven suffered heavy damage”.⁵¹ The object of the consultation was to answer the following questions, among others: how to repair the damaged plant; how to resume the production of modern weapons and equipment for the VJ and for export; how to carry out ownership transformation.

At that time Minister Krapovic was obviously still strongly influenced by the initial enthusiasm of the “October 5 revolution in Serbia”: “We are witnessing great changes in our society - opening to the world and transition in the economy. We expect of the United Nations to lift the sanctions on the import and export of arms and military equipment as soon as possible, so we will work towards this goal...Today we need wisdom and determination, in drawing on the experience of other countries in south-east Europe, rationally to carry out all the changes, especially in ownership relations and in setting up the necessary military industry capacity...”⁵²

Pavkovic said: “...in developing and equipping the Yugoslav Army with the means of armament and military equipment, all the available national resources of the state, especially of the special-purpose industry, will be of decisive influence. In our opinion, it was and ought to remain the bedrock of the further development and technical modernization of our army.”⁵³

The only expectation fulfilled among these mostly unrealistic projections was the abolishment by the UN Security Council of the arms import embargo.⁵⁴ This in itself was not of much importance because the VJ was able to set aside only some 16 million USD for new combat materiel (the 2002 military budget at 43 billion dinars is 30 per cent larger than the 2001 one in nominal terms). The above sum was hardly enough to buy a second-hand Mig-29 on the world arms market.

d) The large problem of surplus weapons

On 30 October 2001, the first batch of 11,000 pieces of infantry weapons classed as "surplus weapons" was ceremoniously destroyed at the military-technical overhaul works at Cacak. The workers attending the modest ceremony had cause to rejoice because they knew that their jobs and wages were safe until the end of the calendar year. Under an agreement signed by the Federal Ministry of Defence and the US Embassy in Belgrade, the United States had undertaken to pay for the destruction of all the 50,000 surplus infantry weapons by the end of 2001. The agreement was duly carried out.⁵⁵

The weapons in question had either been seized from various Albanian military and paramilitary formations in Kosovo and southern Serbia, or been surrendered voluntarily by those formations during the disarmament operation. The fate of the weapons and equipment, which will become surplus after many VJ units are disbanded, is not known. The General Staff suggested⁵⁶ that such of these weapons which are in firing condition be issued to the "reorganized units" up to the limit set by the new formational structure and that the remaining weapons, ammunition, and other combat equipment be kept in proper storage. An expert commission would then decide what could be put on the market and what would be offered the newly-established states on the territory of the former Yugoslavia as part of the partition of assets. Some of these weapons would be consigned to the scrapyard, but their destruction is very expensive.

The large stocks of all kinds of mines, especially anti-personnel mines, which the former Yugoslavia (as well as the FRY) produced in enormous quantities, will pose a great problem for the military and civil authorities in Belgrade. The General Staff admits that there are "great quantities" of these mines but even their approximate number is not known.

The attitude of the military authorities towards the Helsinki Committee for Human Rights in Serbia (HCHRS) regarding mines is interesting because the HCHRS is co-ordinating the Yugoslav campaign to ban anti-personnel mines within a broad international front for the total prohibition of these exceptionally inhuman devices. During Milosevic's rule, the General Staff had been adamant that anti-personnel mines were an essential strategic weapon in the "system of national defence". The General Staff and the Ministry of Defence have ignored every initiative by the HCHRS to establish co-operation towards banning these devices. Such co-operation is all the more necessary because the FRY is the only country in the region not to have signed or joined the Ottawa convention on the total ban on mines of 4 December 1997.

The decision of the FRY Government of 20 April 2001 to accede to the convention was therefore an encouraging sign. Already on 6 July 2001, the HCHRS organized a discussion on the topic,⁵⁷ which was attended by two military experts. The experts stuck to the old postulate that mines are almost indispensable to national defence; that their "utility" ought not to be dispensed with until an "adequate substitute" has been found; and that the destruction of mines stockpiled in the military dumps would be too expensive for the VJ and the state.

With the government decision still waiting to be put through parliamentary procedure, the impression is that the General Staff remains a major, if not the main, obstacle. The attitude of the General Staff did not change after December 17, when the HCHRS organized a seminar primarily to instruct representatives of NGOs from mine-contaminated areas (southern Serbia and the municipality of Sid) on prevention and protection of the population at risk. A VJ mine expert attended this gathering.

2.5. Conscientious objection and length of service

The possibility of shortening the military service had been a topical issue even during Milosevic's rule. Irrespective of what the law says, this very important segment of the military-defence sphere has in practice been the exclusive prerogative of the General Staff and its chief. Being well aware of the psychological effect of shortening the military service, as well as of its other implications, the generals have often mooted the subject and even manipulated it. Very often the poorly informed public (especially about military matters) has been presented with arguments that external and internal enemies are threatening the national sovereignty.

After October 5, the question of the length of military service was raised anew: the Yugoslav Committee of Jurists (JUKOM), an NGO from Belgrade, took up an initiative by a group of citizens to have conscientious objection recognized as a fundamental human right. At the beginning of 2001,⁵⁸ JUKOM launched a campaign to collect 30,000 signatures of adult citizens of the FRY in support of putting the initiative through parliamentary procedure, the object being to recognize conscientious objection as a fundamental human right for the purpose of regulating the "recruit issue", and to reduce the military service to seven months for both armed soldiers and unarmed conscientious objectors. Having collected the necessary 30,000 signatures by the middle of May, JUKOM framed on behalf of the citizens a proposal to amend and supplement the present Law on the Yugoslav Army and submitted it forthwith to Dragoljub Micunovic, president of the Chamber of Citizens of the Federal Assembly, and to Srdja Bozovic, president of the Chamber of Republics of the Assembly.⁵⁹ According to the proposal, the length of military service would be reduced from twelve months for armed recruits and twenty-four months for conscientious objectors to seven months for both categories.

It was with a heavy heart that Pavkovic and his inner circle relinquished their monopoly on the regulation of military service, which had always given them room for manoeuvre in critical situations. For all their consequent asseverations of having always been "responsive to the voice of the democratic public" and of being "champions of democratic change", their view of the matter remains one of a military bureaucrat looking at a problem from a purely mechanical side.

The General Staff countered the JUKOM campaign with one of its own, later backed by the Ministry of Defence.⁶⁰ As distinct from the public, i.e. civil, proposal, the VJ's "expert" proposal argued that the most rational solution would be to cut military service for armed recruits from twelve to ten months and for conscientious objectors from twenty-four to twenty months. Basing its analysis on the fact that the annual number of recruits in the FRY called up in four batches comes to some 50,000, the General Staff suggested that in future the units be replenished to the same percentage in five batches a year. It remains unclear how the General Staff proposes to reduce the peace-time armed forces by 30-40 per cent (or 30,000-40,000 men) and, at the same time, to keep the armed forces at 60,000-70,000 members in conformity with OSCE standards.

The federal government, which received and considered both proposals, favoured that of the General Staff with certain corrections. It upheld the hitherto practice of treating the conscientious objection merely as a way of "serving the Fatherland" and not as a fundamental human right. Also, in disregarding the recommendations of the Council of Europe, the government drastically penalized conscientious objectors by forcing them to serve twice as long as the rest. Most important of all, the government upheld the hitherto practice of conscientious objections falling within the jurisdiction of military rather than civil authorities, which is at variance with the practice of civil-military relations in Western countries.

It was not before 20 December 2001 that the two proposals were included in the Federal Assembly agenda. The Federal Assembly arrived at a compromise, reducing the military service from twelve to nine months for armed soldiers and from twenty-two to thirteen months for conscientious objectors. The decision may be regarded as an improvement because it loosened the military bureaucracy's grip on a domain over which it should wield no influence if the army were democratically controlled.

3. The Officers Sought by the Hague Tribunal

The group of Yugoslav officers whose names figure on Hague Tribunal indictments comprises two almost equal subgroups: those indicted individually and those appearing in the Milosevic indictment as his accomplices in what the prosecution terms "common criminal enterprise".

Of these fourteen officers citizens of Serbia/FRY only two are in active service; two have been demobilized as captain and captain first class respectively; and the rest, ranking from colonel to army general, are retired. Eight of them have been indicted individually while the names of the remaining six appear on the Milosevic indictment (for war crimes in Croatia, Bosnia, and Kosovo), which means that they too may be indicted.

3.1. The "Vukovar three"

The "Vukovar three" comprise retired Lieutenant-General Mile Mrksic, retired Colonel Veselin Slijivancanin, and demobilized (currently reserve) Captain Miroslav Radic. They were the first to be indicted. The charge against them is the execution of some 300 prisoners from the Vukovar hospital at the end of 1991.⁶⁰

Of the three, Slijivancanin alone has been something of a public figure. He shot to prominence, after the fall of Vukovar, when he told off a representative of the International Committee of the Red Cross in front of a large group of domestic and foreign reporters: "sir, this is my country, I'm in charge here!"⁶² He also seriously threatened to throw the representative into the Vuka river if he continued to insist on gaining access to the Vukovar hospital. At the time Slijivancanin held the rank of major and was in command of the unit "mopping-up" in that sector of the ill-fated town. Clearly enjoying his role as "national hero", Slijivancanin was often seen in those days parading in front of TV cameras and expatiating on his and his fellow combatants' "heroic deeds". Almost overnight, he came to be referred to publicly as "knight" and was dubbed "another Savo Kovacevic" (after the famous World War Two partisan commander) by the left-wing "patriotic forces".

Ten years later, Slijivancanin wrote an autobiographical book entitled "This Is My Country". He promoted the book at the end of August 2001 in Vrbas in the presence of some 300 people.⁶³ This incident was one of many showing that Slijivancanin's "glory", as well as the "glory" of Ratko Mladic, for example, does not pale as rapidly as some would like to believe.

Slijivancanin is very popular also in the VJ. He lectured at high military schools up to the moment of his retirement and was apparently prevented from scaling the summit of the military hierarchy only by the Hague indictment. He was retired in the first week of October 2001 only after the competent authorities in Belgrade had received a strong warning that they must extradite the "Vukovar three" at once. That Slijivancanin was the regarded the principal culprit was clear to everybody.

The retirement order was signed by the chief of the General Staff. Slijivancanin is said informally to have been opposed because he was aware that for him retirement meant a step nearer The Hague. The news was leaked to the public although the act itself took place in a rather conspiratorial atmosphere. The General Staff Information Service hastened to explain that Slijivancanin was being retired and that publication of unsubstantiated allegations could only "cause damage to both Slijivancanin and the Army as a whole".

On several occasions when the "Vukovar three" and Slijivancanin in particular were mentioned in connection with the Hague extradition demand, both Pavkovic and Slijivancanin personally pointed out that Slijivancanin as colonel (as well as the other two officers) had already been "interrogated" by the Military Court in Belgrade, that the proceedings were still in progress, and that Slijivancanin had "made a statement to a representative of the Hague Tribunal"! However, the Tribunal spokeswoman, Florence Hartman, resolutely denied this General Staff farce, though she confirmed that Slijivancanin, Mrksic, and Radic had appeared at a trial before the Military Court in Belgrade during 1996. She added: "The trial was closed to the public. We requested that one of our investigators be allowed to attend, which was granted. However, he merely attended the trial, neither questioning anybody nor taking evidence. Later he was denied even a transcript of the trial proceedings".⁶⁴

Following is a chronology of the would-be trial: a) The Tribunal filed a request for the arrest and extradition of the "Vukovar three" in April 1996; b) Invoking the FRY Constitution which prohibits the extradition of FRY citizens to foreign courts, the Military Court in Belgrade rejected the request in October 1997. Nevertheless, the same Military Court accepted the Tribunal indictment as a "criminal complaint against unidentified persons over the criminal offence of war crime against prisoners of war, on the basis of which the military prosecutor made a recommendation to carry out investigative proceedings"; c) The investigative proceedings were started at the beginning of 1998 and were still under way when the above information was communicated by the military judicature to Tanjug and carried by *Borba* on 28 June 2001. The questioning of Slijivancanin, Mrksic, and Radic on 17 December 1998 was attended by Dennis Millner and James Luca, but they were there merely as passive listeners; d) It was not before December 2000 that the investigative authorities transmitted these "materials" to the military prosecutor!; e) In March 2001 the military prosecutor returned the "materials" to the sender and requested "supplementary investigative proceedings". And that is all.

3.2. The Dubrovnik indictments and the "Croatian group" in the "common criminal enterprise"

The indictments brought during 2001 in connection with the operations around Dubrovnik relate to Pavle Strugar and Vladimir Kovacevic (both residents of Podgorica), and Miodrag Jokic and Milan Zec (both residents of Belgrade). All of them are indicted for command responsibility as well as direct crimes committed on the coast at Dubrovnik and in the hinterland at the end of 1991.

While Zec and Kovacevic have not responded to the indictments, Strugar and Jokic have presented themselves to the chief prosecutor, Carla del Ponte, apparently under pressure. What

motives caused these two to “volunteer” - the first indictees from the FRY to do so⁶⁵ - can only be surmised.

According to some, the “defence headquarters” must have come to the conclusion that, unlike the other indictees, Strugar and Jokic are not heavily indicted and may hope to get off with lighter sentences provided their defence was good. A more probable explanation is that both Belgrade and Podgorica were forced to make a move. Strugar has been allowed to defend himself as a free man while the “mariner from Toplica” is still waiting for such a decision by the Tribunal.

The names figuring in the Milosevic indictment are those of Veljko Kadijevic, retired army general and chief of staff of the notorious Supreme Command at the beginning of the war; Blagoje Adzic, retired general who served as Kadijevic’s chief operations officer; Tomislav Simovic, retired lieutenant-general then serving as Serbian minister of defence; and Aleksandar Vasiljevic, retired lieutenant-general and chief intelligence officer under Kadijevic. They are subsumed under “common criminal enterprise” and have not been charged with war crimes. Vasiljevic’s public comment was: “I have no idea why I am mentioned in the indictment”.⁶⁶

3.3. Humanitarian law and war ethics in Kosovo

a) The ramifications of the “Second Battle of Kosovo”

Dragoljub Ojdanic, the former chief of the General Staff who was co-indicted with Milan Milutinovic, Vlajko Stojiljkovic, and Nikola Sainovic, is the only soldier to have been charged with war crimes in Kosovo so far. Although in his initial reaction to the indictment he played a true hero and patriot (“I’d rather be in The Hague as a national hero than - God forbid! - be tried in the country for high treason”),⁶⁷ he has lain low ever since.

In the Kosovo section of the Milosevic indictment,⁶⁸ there is mention, under “common criminal enterprise”, of Nebojsa Pavkovic, then commander of the Third Army, the main strategic group in the Kosovo war, and of Vladimir Lazarevic, then commander of the Pristina Corps, the mailed fist of the Third Army. While the VJ passed over the disclosure of the Ojdanic indictment in silence, it has reacted frequently in connection with Lazarevic and Pavkovic, especially to every indication that they may be charged. These reactions, bordering on hysteria, have ranged from challenging the legitimacy of the Hague Tribunal, to crude propaganda, to rather serious general threats, to offers of “co-operation” with the Tribunal in solving Kosovo crimes. The fact that the staff of the Third Army and its commander General Vladimir Lazarevic have been particularly vociferous belies a fear that more members of the Third Army, especially its commanding officers, may stand accused. Lazarevic said: “I wish to make clear to all that the existence of some Hague Tribunal is a misfortune not only for our people. The existence of a court to try an entire people will be a misfortune for both Europe and the world...All the people of this country expected of our elite operational force to protect the state borders and to preserve our civilians and our soldiers. My soldiers attacked no one: no Albanian, no house, no household.”⁶⁹ “The Hague indictments are political pamphlets and invalid legal acts intended to turn the victim into the criminal...”⁷⁰ “I have information that some Hague Tribunal lists feature not only General Pavkovic, but also myself and some one hundred commanders of the Yugoslav Army...”⁷¹

b) Disregard of the Geneva Conventions

General Pavkovic and the General Staff have gone out of their way to convince the Tribunal, world opinion, and especially the segment of the domestic public insisting on Pavkovic’s resignation, that in Kosovo the VJ abided by the Geneva Conventions and the ethics of war in general. To substantiate this allegation, the General Staff has offered to the public a voluminous, allegedly documentary, body of material which is yet to be studied by a qualified and impartial analyst. The General Staff was alarmed by last year’s discovery of mass graves (containing the bodies of Albanians of both sexes and of all ages who had been transported from Kosovo battlefields, thrown into pits, and covered up by earth-moving equipment) at various locations in Serbia, as well as of refrigerator trucks packed with bodies from Kosovo and dumped into the Danube and some reservoirs in Serbia. Because all the blame was initially attached to the Serbian Ministry of Internal Affairs (MUP), police General Sreten Lukic, who commanded the police forces in the Kosovo theatre, came out with the allegation that the police there had operated under a single military command. There ensued a spate of recriminations between the police and the VJ generals, with Pavkovic seeking to convince the public that the police commanders had refused to subordinate themselves to the military command.⁷² This defence was unfounded because, after a state of war was declared, all Serbian and Montenegrin combat formations had to obey Pavkovic who commanded the Third Army. Even if Pavkovic is correct in accusing Lukic and the then

Serbian minister of internal affairs, Vljako Stojiljkovic, of refusing to obey his orders, one wonders why their disobedience was disclosed after two years considering that they ought to have been court-martialled under the state of war.

Another controversy involving battlefield clearance implicates General Lazarevic in particular. Facsimiles of two orders to clear the battlefield, bearing Lazarevic's signature and dated 30 April 1999 and 8 May 1999 respectively, were published by the press in support of the reasonable suspicion that the VJ too was involved in crimes in Kosovo. Responding to an article published in the Belgrade weekly *NIN*, Lazarevic wrote the following in the same weekly:⁷³ "Reading the article, I found no evidence that the military leaders knew of any crimes, even less that crimes were committed by the army and the police. Unless clearing the battlefield itself is a crime. According to the Geneva Convention of 1949, battlefield clearance is obligatory. It is a humanitarian operation to give the killed a dignified burial, protect the environment, and prevent the spread of infectious diseases to people and animals. Battlefield clearance is the component part of every combat activity." In another statement on the same subject, he said this: "The allegedly contestable but quite ordinary clearance order specified the respective obligations of members of the VJ and of the MUP. So that they should not interfere in each other's business and obligations. The order means the combining of the VJ and MUP forces, not command or even subordination of the MUP to the army, or vice versa..."⁷⁴

Sensing danger, the General Staff and Pavkovic reacted with lightning speed, instructing the head of the newspaper-publishing centre *Vojska*, Colonel Stanoje Jovanovic, to prepare a book in a record time from a pile of documents to be transmitted to him shortly. In only a few months, Ivan Markovic, a journalist with the weekly *Vojska*, selected 253 documents (mostly instructions, combat orders, and other orders) which he turned into a "study" with a deluxe cover bearing the title *The Yugoslav Army in 1998-1999 - Application of International Law Rules*. The compilation pompously promoted in the VJ Central Clubhouse in Belgrade on 27 June 2001 attracted hardly any public attention. The book has not been subjected to close expert scrutiny and such reviews as have been written are replete with self-praise.

For example, the "patriotic" General Radovan Radinovic, who reviewed the book, wrote the following: "The typescript is of undeniable documentary value and significance. Its reference to concrete and authentic documents on combat and all other activities demonstrate and prove, without any partiality and manipulation, that the Yugoslav Army and its system of command were highly ethical, that they conducted the war in Kosovo and Metohija fully in compliance with the provisions of international humanitarian law and the ethics of war..."⁷⁵ The editor, Ivan Markovic, wrote: "...according to the available evidence, no army has taken so much care before, during an armed conflict, to implement the rules of the international law of war as the Yugoslav Army has done in recent years."⁷⁶

On 20 December 2001, Markovic launched in *Vojska* a serial entitled "The Yugoslav Army and International Humanitarian Law". The serial is patently intended as a supplement to the "study", a guide to its interpretation, and a glowing write-up.

"Considering that in the last decade of the twentieth century, during the crisis in the Balkans, the Yugoslav Army was often in the focus of public attention, and was a party to the conflict during the escalation of the crisis in Kosovo and Metohija in 1998 and 1999, one ought to investigate how international humanitarian law was applied within its framework. The documents and the events in the field, during combat action, bear witness to this.

The basis on which the VJ applies the rules of the international law of war is the book entitled *Regulations on the Application of the Rules of the International Law of War in the Armed Forces of the SFRY*, published in 1988. The book was created by an order pursuant to paragraph 3, Article 316 of the Constitution of the SFRY, and point 10, paragraph 1, Article 106 of the Law on Total National Defence (*The Official Gazette of the SFRY*, No. 21/82), and signed on 13 April 1988 by Lazar Mojsov, the president of the Presidency of the SFRY, in the name of the Presidency, and on 25 May 1988 by General Veljko Kadujevic, the federal secretary of national defence, in the name of the Armed Forces of the SFRY.⁷⁷ The "study" commissioned by the General Staff and its chief quotes extensively from these Regulations.

"The object of this book is to familiarize the members of the armed forces of Yugoslavia with the rights and obligations of combatants in an armed conflict. These rights and duties are based on the international law of war, i.e. on the treaties and other acts from the sphere of international law ratified and recognized by Yugoslavia, as well as on the universally recognized principles and customs of the international law of war..."

"As a member of the international community of states, Yugoslavia accepts the rules of the international law of war. Respect for these rules reflects her position in general of meeting her international obligations, it being in the tradition of our armed forces in dealing with the victims of war to abide by precepts of humane treatment".⁷⁸

One wonders why no one had invoked the international law of war before. The first book to do so came out only at the middle of 2001, by which time Pavkovic and his collaborators were in no doubt that they would have to account for their decisions and acts in Kosovo.

c) The military judicature farce

If an article published in *The Observer* of London on 22 April 2001,⁷⁹ claiming that the VJ employed a unit to burn bodies and remove all trace of crimes against Albanians in Kosovo, may have been prompted, among other things, by the aforementioned "study", a very strong signal was doubtless provided by the trial of three VJ members before the Military Court in Belgrade.

The VJ Information Department promptly issued a statement denying that any unit had been employed by the VJ to "burn bodies and remove evidence of crimes",⁸⁰ and insisting that the "Military Court is not the most unlikely place, but the only competent one, where such things are clarified in organized states and modern armies". It also stated that "proceedings have been instituted against 245 VJ members, and charges brought against 183, in connection with criminal acts committed in Kosovo between 1 March 1998 and 26 June 1999". Although charges had also been brought against a number of soldiers for all kinds of other criminal offences, mostly theft, there was hardly any reference in the indictments to war crimes. Later, however, the VJ spokesman, Svetozar Radisic,⁸¹ somewhat "corrected" the "wrong impression" created by the statement by adding that "forty-seven members of the Yugoslav Army are currently undergoing investigation for complicity in twenty-four cases qualified as war crimes on the territory of Kosovo and Metohija".

Like in many other vague statements by the military authorities, it is not quite clear what precise steps the military judicature has done to solve the crimes in Kosovo. The only thing known for certain is that between November 1 and December 12, 2000, the Military Court in Nis tried Mayor Dragisa Petrovic and reservists Nenad Stamenkovic and Tomica Jovovic for "killing the married couple Krasniqi"⁸² and sentenced each to four and a half years in prison. This fact was flourished later whenever there was any mention of trying war crimes before domestic courts.

Jelena Milic, a researcher with the Belgrade office of the International Crisis Group, infuriated the Third Army command with her article entitled "The Last Chance to Pull out of the Mud and Mire" and published in *Danas* on 11 December 2001.⁸³ In reply to General Lazarevic's allegation that the "VJ abided by the provisions of international humanitarian law in Kosovo", she stressed, among other things, that "confrontation with the crimes and co-operation with the Hague tribunal is above all a human need for truth and justice, a protective mechanism against violence, a historical lesson for the succeeding generations, and a pre-condition of regional life together". The command of the notorious Third Army both reacted sharply and volunteered its "full co-operation" to "discover all the mass graves of possible victims of certain members of the VJ alleged to have committed war crimes".

The command also said that both officers and soldiers had been instructed on time strictly to abide by the provisions of the Geneva Conventions and other rules of international humanitarian law; that "every soldier carried about himself a pocket-size booklet reminding him how to act in conformity with the international law provisions; and that every officer carried in his personal combat kit a copy of the manual *The Fundamentals of the Law of War*." In an interview with Radio B92 on 17 January 2001, Pavkovic denied any crimes in Kosovo: "We conducted no ethnic cleansing, otherwise we would have remained on our own in Kosovo, making it possible for the aggressor to shoot us at will!"⁸⁴

4. Accession to the Partnership for Peace (Un)certain

When the question of Serbia/Yugoslavia becoming a partner of NATO was raised soon after 5 October 2001, the public was of the impression that it was merely a question of time. Heartened by the speed with which the FRY had returned to the United Nations (and some other international organizations), a number of political party leaders were convinced that the FRY, the only European country beside Bosnia-Herzegovina outside the programme, would join the Partnership for Peace as early as 2001.

Such forecasts and expectations were nevertheless unrealistic. For one thing, no official request to join has been submitted to NATO; and NATO for its part has made no invitation so far.

In spite of several learned conferences on the FRY's relationship to the Partnership for Peace held in 2001 (by the Institute of Geopolitical Studies of Belgrade, the Centre for Civil-military Relations, the Institute of the Arts of War of the VJ General Staff), the public at large often has wrong notions and fallacies. For example, while some argue that the arrangement boils down to technical-technological matters and requires the VJ to conform to the costly NATO standards,

others are spreading the illusion that the country will be rapidly integrated in NATO, and in the Partnership for Peace, to the extent to which it can satisfy its political and economic needs.

4.1. US, NATO, and world reaction

"The US administration and Congress have sent a new message to the competent authorities in Belgrade and Sarajevo that they would like to start plugging the last two Balkan gaps in the NATO bulwark by having the FR Yugoslavia and Bosnia-Herzegovina accede to the Partnership for Peace, a group of forty-six states undergoing traineeship for their possible full membership of the Western military alliance."⁸⁵ The terms set by the Americans are as follows: a) the VJ is to be reformed and placed under "absolute" civil control by the competent parliamentary and state organs; b) "the chief of the General Staff, Nebojsa Pavkovic, and the commander of the Third Army, Vladimir Lazarevic, are to be removed from leading positions"; the "Vukovar three" are to be extradited to the Tribunal "at once"; the VJ and the state are to withhold their financial and other "support to the armed forces of Republika Srpska".⁸⁶

Chris Donelli, NATO assistant secretary-general, has made clear to Belgrade that if it wishes to join the partnership it must: a) impose civil control of the VJ; b) desist from interfering in the "affairs of neighbours"; c) sort out the relationship between Serbia and Montenegro.⁸⁷ Greece and Romania have offered their "good offices" to the FRY in joining the Partnership for Peace.⁸⁸

4.2. The domestic political elite

A statement released from a meeting of the Supreme Defence Council on 11 September 2001 said: "The Supreme Defence Council has considered an initiative to transform the Yugoslav Army and to join the Partnership for Peace, and has assessed that a decision to that effect could be reached by the competent institution only after the question of the future relations between Serbia and Montenegro has been solved democratically."⁸⁹ (This was the only position the VJ Supreme Command ever took on the Partnership!)

In a statement to *The Times*, Kostunica said, among other things: "The FR Yugoslavia may some day join the Partnership for Peace... True, entry into the Partnership for Peace is not our priority, but it is not to be ruled out..."⁹⁰ Nor has the Serbian prime minister, Zoran Djindjic, been overly concerned about the idea: "If we wanted to become a member of the Partnership for Peace, we would have to incur debt, for membership entails the cost of modernizing the army. Personally I would be opposed..."⁹¹

"The New Democracy Party has submitted to the Yugoslav parliament a draft decision on the accession of the FRY to the Partnership for Peace and NATO. The draft was submitted to the Chamber of Citizens and its president, Dragoljub Micunovic, by federal deputy Miroslav Stefanovic."⁹² The draft has not been put on the agenda yet.

There is numerous evidence in the domestic media that the most consistent advocates of the country's membership of the Partnership for Peace have been Minister of Foreign Affairs Goran Svilanovic and the former minister of defence, Slobodan Krapovic. Although early in 2001 the Federal Ministry of Defence had set up a team of experts charged with investigating the matter and presenting it to the public in collaboration with VJ General Staff experts, the public has drawn no benefit from the project.⁹³

4.3. The military establishment

At the middle of April 2001, the General Staff's Institute of the Arts of War held a closed-door expert discussion on "Partnership for Peace and the FRY".⁹⁴ The audience was divided with traditionalists appearing to be in the majority. Those in favour looked upon accession as part of a wider Euro-Atlantic integration; second, they insisted that the country's strategic interest was to fall in step with Western civilization and to become part of its collective security system; third, they argued that misunderstandings with the international community would be smoothed and existing problems solved more easily and quickly; fourth, they believed that an adequate solution to Kosovo would be easier to find; and finally, the VJ would be reduced numerically to a rational number, better organized, and armed with modern combat systems.

The traditionalists on the other hand, who regard NATO solely as "the only military superpower in the world", are convinced that since the "Cold War it has been bogged down in an identity crisis and does not know what to do with itself", and that it is guilty of the "unpardonable crime of aggression against our country". Their opposition to becoming member of the Partnership for Peace is based on the following arguments: first, membership would jeopardize the national integrity, then national and state interests; second, the FRY would have to wave some of her

sovereignty; three, it would cease being self-reliant; fourth, "we would compromise our own intelligence-security system"; five, the Partnership is "primarily a method by which the USA can rule Europe"; and finally, "by adopting NATO standards in organizing and equipping the Army, we would have to incur greater financial expenditure while on the other hand neglecting our military industry".

Pavkovic and Lazarevic, who at the beginning of the year had been highly doubtful of the advantages of the Partnership for Peace and of the intentions of its creators, became conciliatory towards the end of the year. Thus Pavkovic said that the VJ would "realize every lawful decision including a possible decision to accede to the Partnership for Peace",⁹⁵ and Lazarevic said that he saw the "integration of the Yugoslav Army into the Partnership for Peace" as a "near reality".⁹⁶

The main problem is not whether the FRY and her army will join the Partnership, but when. The US ambassador in Belgrade, William Montgomery, said towards the end of 2001 that he would be disappointed if the FRY did not join the Partnership in 2001.⁹⁷ The fact that he commended the VJ over its operations in southern Serbia, as well as that compliments were also paid by NATO Secretary-General George Robertson and the Pentagon itself, was seen by some as a recommendation for the Partnership.

5. Certain Aspects of the VJ's Relations with Big and Small (neighbouring) Armies

5.1. Serbia towards south, east, and west.

a) KFOR - from enemy to partner

The change of attitude of some top VJ commanding officers is best seen in the press. An article entitled "Radicals Back Lazarevic"⁹⁸ shows that General Lazarevic was adamantly opposed to the decision to withdraw the tanks and heavy artillery of the Pristina Corps from the Kosovo Security Zone in southern Serbia; his commentary that the move would fit into the "American plan to dismember the country" was greeted by Vojislav Seselj and his Radicals with applause.

However, after the VJ pulled back, and after Borislav Pelevic, leader of the Party of Serb Unity,⁹⁹ and the well-known military political analysts, Miroslav Lazanski¹⁰⁰ and Milovan Drecun,¹⁰¹ bemoaned the fate of the special forces ordered into the buffer zone, Lazarevic and Pavkovic rationally exploited every successful move of the Joint Security Force. Finally, Pavkovic declared that "The Yugoslav Army and the KFOR forces are not enemy formations but formations co-operating in maintaining the peace in that area. Although confidence in an international force is mostly a political issue, I shall nevertheless present my own position on that: our country has always been an active member of international institutions and has fully upheld all progressive and democratic solutions in the world..."¹⁰²

The new position was articulated at a meeting called "Application of Confidence and Security Measures" at which some thirty experts from Yugoslavia, Switzerland, Germany, and Sweden discussed for three days the "Vienna documents", which entailed the application of the OSCE Codex in political-military security aspects.¹⁰³

Dr Predrag Simic, an advisor to President Kostunica, wrote the following in a signed article published in *Politika*: "Since last year's October changes and, especially, after the joint operations in southern Serbia underwent a radical change - from opponent to partner - which, in the circumstances following September 11, could progress much further in view of the respectable strength of the Yugoslav armed forces and the professional reputation they enjoy in international circles..."¹⁰⁴

c) 11 September 2001

Serbia and Belarus were the only European countries not to join in the one-minute silence in commemoration of the victims of the terrorist act of September 11. Kostunica went so far as to read President Bush a brief lecture. "Terrorism has shown itself once again the worst evil of the modern world, an evil that must not be underestimated and must be put an end to. My country and people, as well as the whole region in which we live, are painfully aware of this, having learned from our bitter experience."¹⁰⁵

Pavkovic for his part stated pretentiously: "We have offered America help. The Yugoslav Army represents a force which can oppose any kind of terrorism. We have experience of terrorism and have shown that we can deal with such missions successfully..."¹⁰⁶

At the middle of August, the Federal Government permitted KFOR forces and equipment to cross the state territory in a gesture of support for the international forces' mission in Kosovo. However, the decision was seen by the public as a "loss of sovereignty and territorial integrity".

In the context of the international co-operation of the VJ and the Ministry of Defence, one should mention their contacts with the Army of the Russian Federation. The ministers of defence, Igor Sergejev and Slobodan Krapovic, and the chiefs of the General Staff, Andrey Kvashnikov and Nebojsa Pavkovic, met twice in 2001, in Moscow and Belgrade. One may assume that they discussed clearing some Russian debts dating back to the time of the former Yugoslavia. No details of these talks are known because the debts are treated as a military secret.

It is also not known how the mutual clearance of debts will be affected by the delivery by the FRY to Russian military experts of a British Phoenix pilotless aeroplane shot down during the intervention and of parts and equipment of other NATO aircraft "brought down from our skies" by the "brilliant PVO" during the "aggression".

Some other events which have more to do with the historical ties of the Russian and Serb peoples are of interest here. On 2 September 2001 a commemoration was held to mark the 125th anniversary of the Battle of Sumatovac in the Serbo-Turkish war in 1876. Among the casualties on the Serbian side was Russian Colonel Nikolay Nikolayevich Raisky, later to be immortalized in Lav Tolstoy's novel *Ana Karenina* as Count Vronsky. The Church of the Holy Trinity in the village of Gornji Androvac near Aleksinac, built long ago in honour of Colonel Raisky, was renovated at the expense of the Russian Federation. Speaking at the commemoration, Serbian Orthodox Church Patriarch Pavle made much of the two people's unity in religion: "The Russian and our people have throughout the centuries have brotherly relations, not only on account of their origin and blood, but also especially on account of the Orthodox faith which unites us."¹⁰⁷

5.2. Arms for Macedonia

The relations of the VJ with the armies of the newly-established states on the territory of the former Yugoslavia are also varied. The special parallel relations of the FRY and Republika Srpska and, as part of these relations, those between the two Serb armies are the subject of keen international public interest because they are associated with financial assistance. For a number of years, the Army of Republika Srpska has depended on 30 million DEM a year from the chronically empty coffers of the VJ. A near ultimatum by relevant international factors to Belgrade to cut this "brotherly help" to Banjaluka most probably accounts for last summer's visit by a VJ delegation during which Ms Ljiljana Nedeljkovic, head of office of President Kostunica, played a prominent part. The public could only speculate about the purpose of the visit.¹⁰⁸

The VJ's relations with the Republic of Macedonia are also important. After Macedonia had become internationally recognized, the then General Staff with Blagoje Adzic at its head collected all the weapons, equipment, and other movable property from Macedonian garrisons and barracks. The two countries drew a rather vague and unregulated border between themselves over which the crisis in southern Serbia and Kosovo spilled over into Macedonia. While it cannot be denied that Albanian extremists and terrorists were largely to blame for fanning crisis on Macedonian territory also, it is equally true that for Yugoslav, Serbian, and Macedonian authorities "Albanian terrorism" was the cause of and the excuse for all their political machinations and blunders. A common front of struggle against "Albanian terrorism" was established and the two countries' officials, including their presidents, met frequently.

The FRY "magnanimously" gave the poorly equipped Macedonian army a quantity of her rather worn out combat materiel that it had a legal obligation to dispose of anyway and had been at a loss what to do with it.

Nothing is basically changing in the VJ, there being no political readiness and agreement to do so, and no other elementary prerequisites. Apart from having a score or so thousand fewer soldiers and several hundred fewer colonels and generals, and a slightly shorter military service, the VJ today is the same armed force that operated

End notes:

1. *The Second Battle of Kosovo* is the title of a book by the prominent Serb "patriot" and military-political analyst, Milovan Drecun, who, in his capacity as "military affairs expert" then employed by RTS Srbije (Serbian Radio and Television), filmed and chronicled all the "exploits" of General Pavkovic and other contemporary "Kosovo heroes" during the 1999 "Battle of Kosovo". In the words of General V. Lazarevic, who spoke at the promotion of this "memorial book" in the VJ Central Clubhouse in Belgrade on 7 November 2000, Drecun "criss-crossed 26,000 kilometres

across the holy Serb land” at the time. (The book was published by a certain Mile Imerovski of Belgrade.)

2. Dragan Bujosevic and Ivan Radovanovic, “5. oktobar - Dvadeset cetiri casa prevrata” (The twenty-four hours of the coup), Medija Centar, Belgrade, 2000, pp. 257-263; “Mera opreza i pripravnosti” (A measure of precaution and readiness), *Vreme*, 26 October 2000, p. 22.

3. »5. Oktobar - Dvadeset cetiri casa prevrata«, pp. 85-89.

4. *Ibid.*, pp. 243-246, 263-267.

5. The Helsinki Charter, “Megdan “legalista” i “reformista” na haskom frontu (“Legalists” and “reformers” battle it out on the Hague front), December 2001, No. 47.

6. The Constitution of the FR Yugoslavia, Article 135; The Law on the Yugoslav Army, Articles 3 and 4.

7. Under the relevant constitutional and statutory provisions, the Supreme Defence Council consists of the Serbian and Montenegrin presidents, the federal president, and the Council president. The federal presidents commands the VJ in war and peace expressly according to the decisions of the Supreme Defence Council.

8. “Ko je rekao: Smena Pavkovica” (Who said Pavkovic should be replaced?), *Danas*, 29-30 December 2001.

9. “Tim za poraze” (A team of losers), *Politika*, 20 July 2001.

10. Interview with Kostunica, *Vojska*, 15 March 2001.

11. Two Belgrade-based non-governmental organizations - the Centre for Civil-Military Relations and the Belgrade Centre for Human Rights (with collaborators from abroad) - organized one discussion each, the Democratic Youth of Serbia also organized one discussion, and the Press Club of the Belgrade Media Centre two.

12. “Ko komanduje vojskom?” (Who commands the army?), *Vreme*, 22 April 2000, p. 15.

13. “Nadgledanje sile” (Supervision of power), *Vojska*, 11 January 2001, p. 16.

14. “Bez upotrebe sile” (No use of power), *Politika*, 12 October 2001.

15. *Ibid.*

16. Group of authors, “U trouglu sile-vojska, policije, paravojska” (The power triangle - army, police, paramilitaries), Helsinki Committee for Human Rights in Serbia, Belgrade, 2001, pp. 20-21.

17. “Generalov reformski uzlet” (The general launches into reform), *Danas*, 12-13 January 2001.

18. *Ibid.*

19. “Pavkovic podrzao zahtev OSA” (Pavkovic backs the OSA demand), *Danas*, 26 February 2001.

20. *Blic*, 20 June 2001, p. 3.

21. *Glas javnosti*, 21 June 2001, p. 5.

22. “Doprinos demokratizaciji drustva” (A contribution to the democratization of society), *Vojska*, 18 October 2001, pp. 6, 7.

23. “Trazio sam od Pavkovica da ostane” (I asked Pavkovic to stay), *Danas*, 28 December 2001.

24. “Ukaz iz vedrog neba” (A decree out of the blue) and “Kabinet Vrhovnog komandanta” (The Office of the Supreme Commander), *Vreme*, 23 August 2001.

25. “Patolog na celu VMA” (A pathologist at the head of the VMA), *Danas*, 17 January 2002.

26. “Patina od kaplarskog sindroma” (Affliction with corporal syndrome), *Danas*, 16 January 2001.

27. *Vreme*, 1 March 2001, p. 39.

28. “Odapeta strela “marsala Covica” (Marshall Covic looses his arrow), *Danas*, 24-25 March 2001.

29. “Monarhisti traze smenu Covica” (Monarchists demand Covic’s dismissal), *Novi Ekspres*, 20 March 2001.

30. *Novi Ekspres*, 13 March 2001, p.1.

31. *Blic*, 13 March 2001, p. 1.

32. Supplement *Vojska i vera* (The Army and religion), *Vojska*, 11 January 2001.

33. “Vojska - temelj ocuvanja drzave” (The army - the foundation of the preservation of the state), *Vojska*, 14 June 2001.

34. “Ni sam Pavkovic ne zna koliko ima stanova” (Pavkovic himself does not know how many flats he has), topic of the issue, *Vreme*, 19 July 2001.

35. See: Group of authors, “U trouglu sile-vojska, policije, paravojska” (The power triangle - army, police, paramilitaries), Helsinki Committee for Human Rights in Serbia, Belgrade, 2001, pp. 14-15.

36. Miroslav Hadzic, "Hronican manjak bezbednosti - slucaj Jugoslavija" (A chronic lack of security in Yugoslavia's case), Centar za civilno-vojne odnose, Belgrade, 2001, pp. 47-53.
37. *Glas javnosti*, 15 December 2001, p. 5.
38. "Bacanjanje para" (Throwing money away), *Nacional* (Belgrade), 17 December 2001.
39. Supplement containing said amendments and supplements, *Danas*, 20 December 2001.
40. *Danas*, 17 January 2002, pp. 1, 3.
41. "Doktrina odbrane okrenuta buducnosti" (A forward-looking defence doctrine), Krapovic's interview with Tanjug news agency, *Vojska*, 1 February 2001, pp. 6-7.
42. "Kontrola samo po zakonu" (Control only according to the law), *Danas*, 26 October 2001.
43. *Ibid.*
44. *Politika*, 5 December 2001, p. 7.
45. "Jos nema uslova za reformu vojske" (No conditions for army reform yet), *Politika*, 10 October 2001.
46. *Politika*, 27 December 2001, p. 5.
47. "Preobrazaj u novi kvalitet" (A new quality through transformation), *Vojska*, 25 October 2001, p. 8.
48. *Ibid.*, p. 9.
49. *Vojska*, 13 September 2001, p. 4.
50. Bojan Dimitrijevic, "Rat NATO protiv Srbije 1999: vojni aspekti i posledice" (The NATO war against Serbia in 1999: the military aspect and consequences), *Nova srpska politicka misao*, special issue 1, 1999, pp. 161-174.
51. "Prilagodjavanje novim uslovima" (Adapting to the new conditions), *Vojska*, 22 February 2002, pp. 8-12.
52. *Ibid.*, p. 9.
53. *Ibid.*, p. 10.
54. *Politika*, 10 September 2001, p. 7.
55. "Unistavanje viska naoruzanja" (Surplus weapons being destroyed), *Danas*, 31 October 2001.
56. "Modernizacijom do savremenog oruzja" (Modern weapons through modernization), *Vojska*, 29 November 2001, pp. 10-11.
57. "Briga za "zamenitelje"" (Concern about "substitute"), *Helsinki povelja*, June 2001, No. 41.
58. "Inicijativa za kraci vojni rok" (Initiative for shorter military service), *Blic*, 4 January 2001.
59. *Politika*, 5 June 2001, p. 7.
60. "Skracenje sluzenja vojnog roka" (Shortening the military service), *Vojska*, 25 January 2001, pp. 8-9; "Vojni rok na javnoj licitaciji" (Military service on public debate), *Helsinki povelja*, May 2001, No. 40.
61. "Vitezovi sa ovcare" (The knights of Ovcar), *Vreme*, 15 February 2001, pp. 13-14.
62. "Srbija ne da svoje "heroje"" (Serbia won't part with her "heroes"), *Helsinki povelja*, December 2001, No. 47, pp. 2-4.
63. "Necu se dobrovoljno predati Tribunalu" (I will not surrender to the Tribunal voluntarily), *Danas*, 30 August 2001.
64. "Sljivancanin nije sasluan" (Sljivancanin was not questioned), *Danas*, 18 May 2001.
65. "Dubrovacki ceh" (Footing the Dubrovnik bill), *Danas*, 19 October 2001; "Toplicki mornar" (The mariner of Toplica), *Danas*, 22 October 2001.
66. "Hag siri spisak" (The Hague expands the list), *NIN*, 11 October 2001.
67. *Blic*, 14 March 2001, p. 5.
68. *Politika*, 1 December 2001.
69. Lazarevic interview with *Svedok*, 9 January 2001, p. 3.
70. "Haske optuznice nistavni politicki pamfleti" (Hague indictments invalid political pamphlets), *Danas*, 31 October 2001.
71. "Na spisku mnogi oficiri" (Many officers on the list), Lazarevic interview with *Danas*, 5 December 2001.
72. "Vojska nije umesana" (The army was not involved), *Vojska*, 7 June 2001.
73. "Izmisljanje zlocina, ili ne biti human" (Inventing crimes, or being inhumane), *NIN*, 21 July 2001.
74. "Nije bilo pokolja" (There was no slaughter), *Danas*, 16-17 June 2001.
75. "Govor dokumenata" (The documents speak for themselves), *Vojska*, 5 July 2001.
76. *Ibid.*, p. 8.

77. "Namaci ratu omcu pravila" (Make war conform to rules), *Vojska*, 20 December 2001, pp. 8-9.
78. *Ibid.*
79. *Politika*, 23 April 2001, p. 2.
80. *Danas*, 24 April 2001, p. 4.
81. "Odgovornost bez razlike" (Responsibility without discrimination), *Danas*, 26-27 April 2001.
82. *Blic*, 13 December 2000, p. 4.
83. "Vojska nudi pomoc u otkrivanju grobnica" (The Army offers to help find graves), *Danas*, 17 December 2001.
84. *Danas*, 27-28 January 2001.
85. "Odugovlacenje nikom ne ide u prilog" (Procrastination benefits no one), *Danas*, 25 December 2001.
86. *Ibid.*
87. *Vecernje novosti*, 1 November 2001, p. 4.
88. *Vecernje novosti*, 17 May 2001, p. 3, and "Rumunija spremna da nam pomogne" (Romania ready to help us), *Danas*, 21 December 2001.
89. *Vojska*, 13 September 2001, p. 4.
90. *Politika*, 10 March 2001, p. 1.
91. *Glas javnosti*, in *Glas istrazuje* (*Glas investigates*) column, 5 May 2001.
92. *Danas*, 19 June 2001, p. 4.
93. *Borba*, 23 March 2001, p. 5.
94. *Politika*, 23 April 2001, p. 7.
95. "Podrzacemo svaku odluku" (We will back every decision), *Danas*, 22-23 December 2001.
96. *Danas*, 27 December 2001, p. 2.
97. *Politika*, 23 December 2001, p. 2.
98. *Politika*, 6 March 2001, p. 2.
99. *24 casa*, 10 March 2001, p. 2.
100. *Danas*, 9 March 2001, p. 4.
101. *Glas javnosti*, 25 March 2001, p. 3.
102. "Vojska opredeljena za mirno resenje" (The army in favour of a peaceful solution), *Vojska*, 8 March 2001.
103. *Borba*, 28 March 2001, p. 1.
104. "Da li demokratije ratuju?" (Do democracies wage war?), *Politika*, 20 October 2001.
105. "Malo osecanja, vise likovanja, ostalo je lekcija" (A little compassion, more gloating, the rest was a lecture), *Helsinki povelja*, September 2001, No. 44.
106. *Blic*, quote from FoNet news agency, 11 October 2001, p. 3.
107. "U spomen bratstvu srpskog i ruskog naroda" (In commemoration of the brotherhood of the Serb and Russian peoples), *Vojska*, 9 September 2001.
108. *Politika*, 17 August 2001, p. 7.

Police

Back in the summer of 2000 when the DOS coalition was set up, hints about things no longer being the same in the police-intelligence apparatus were more than just hints. Today, it is more or less evident what was really behind it all: officers at a particular level of command and control obviously came to conclusion that Slobodan Milosevic and his regime were running out. Two main indicators support this assumption: the way the "ordinary" police - the Public Security Service - behaved, and almost total passivity on the part of the State Security Service. A political assessment that the *Otpor* Movement figured as major threat to the regime focused all attention on the organization, while the Public Security Service was for some reason tasked with chasing its members in a campaign that lasted from early spring till September 2000. This analysis will not detail breaches of the law and violations of human rights that took place over the campaign, since this amounts to common knowledge. However, from the angle of operational tactics, the campaign against the *Otpor* was actually a diversion, a rubber bone thrown to the police to gnaw at, while real action was going on somewhere else. The campaign was also a political trickery: the Socialist-Radical-Yugoslav Left regime, lulled in its "victory over NATO", contended itself with daily arrests of the *Otpor* members and hue and cry the media raised about the matter. They believed everything was under control. And yet, it was just a smoke screen and a bluff maneuver. It was an intelligent idea. The point was to keep local police departments busy with a bootless, time-

consuming and actually insignificant task, to “strew” them, overburden their resources and tire them out psychologically. The planned overthrow was meant to derive from the sum of the opposition’s local endeavor. The State Security Service that used to be truly active in maltreating non-governmental organizations, suddenly slowed down its “active measures” in the summer of 2000 and opted for passive intelligence-gathering activities. There is no telling what conclusions its analytical team came to in June-October 2000. One can only guess that even were they the right ones, these conclusions never reached top people of the Service or the regime. Namely, bearing in mind resources, ties, information and practically unlimited authority at the Service’s disposal, the latter could have easily dismantled and neutralized any plot against Milosevic. It could have done it even without having to use visible repression or violence. The Service could have opted for discreet interrogations, convincing threats and ties it managed to establish over years-long infiltration in oppositionist ranks. Here it would not have been a *débutante*. That was a skill it had mastered. However, nothing happened. The State Security Service retired from view and waited, while cultivating some sources all the time - just in case.

The elections of September 24, 2000, stood for the turning point the opposition has looked forward to in order to determine what its strategy and tactics would be. Ever since that election night developments have been quick and perhaps much too quick for the slow-witted regime. After the events of October 1998, not a single soldier or policeman was foolish enough to face Milosevic with assessments based on authentic and well-analyzed intelligence. Everything that truly mattered took place among officers from higher ranks and those assigned to local commands: and they finally concluded that Milosevic was done with. One can only feel sure to some extent that they discreetly imparted their conclusions to opposition leaders. For, one should mind one’s future. Such contacts must have been explained by phrases of the “We are all only human, and shall manage to reach an agreement” or “sorry, it was all in the line of duty” style. No doubt that some kind of *interaction* took place. Clearly, Milosevic’s unfortunate address of October 2, 2000, just added to ill feeling. That was when most policemen made up their minds and said to themselves, “I am certainly not going to die for a wretch as such!” So, the events of October 4 and 5 were seen through smoothly, much too smoothly not to be astounding. In terms of tactics, the police allowed to be befooled, blocked, deceived and walled up while offering just symbolic resistance. In the afternoon of October 5 two police units and one police station were sacrificed deliberately. The opposition and its allies from the regime circles knew exactly where to plant a blow and suffer minimum damage. It was only then that it became obvious how rotten the inside of the Milosevic’s regime was: the two main pillars – the police and the media – toppled at first rough touch. All of it resembled the overthrow of May 1903, when the Obrenovic dynasty regime relied on Aleksa Zunic, while the Black Hand (Crna ruka) organization finished up the job.

In the overthrow of October 5, it was the Public Security Service that – by the very nature of its assignment – came up with the short end of the stick. However, this would later on turn into its advantage and investment in future. The State Security Service brought itself a cheap – even much too cheap – ticket to the post-October Serbia by having done nothing at all. “spectacular” arrival of the Special Operations Unit in Belgrade in the afternoon of October 5 was nothing but a blunt improvisation so typical for Djindjic who has been paying it dear to this very day. For, hardly a single soul is apt to believe that the “Red Berets” scurried to Belgrade to save Milosevic and then experienced a vision and – like Saint Paul – were converted to democrats and legalists.

Triple Rule Term

The overthrow of October 5 riddled Serbia with an irregular state of affairs: the DOS coalition actually won the power, but no institutional changes took place. The DOS’ victory was so impressive that it simply tied the hands of the Socialist Party of Serbia – the Serbian Radical Party - the Yugoslav Left regime. Instead of taking a running start and striking while the iron was hot and thus use to the full all resources of legitimacy earned on October 5 – in other words, instead of appointing an ad interim government, dismissing the Parliament and calling early parliamentary and presidential elections – the DOS, bound by some earlier discreet agreements or limp “legalism”, nodded to a triple rule. A three-headed government, composed of the parties included in the DOS coalition, Milosevic’s people and the Serbian Renewal Movement was set up. In spite of guidance coming from people wiser than him, Kostunica kept Nebojsa Pavkovic and Rade Markovic in office. That was how the former regime, its fascist accomplices and its camarilla bought four precious months.

Over this four-month paralysis, the Public Security Service licked its wounds and consolidated itself. The State Security Service removed in full swing all traces of its earlier and most intriguing enterprises. And, inasmuch as possible, reshuffled for the time to come. Documents of all sorts – files, police logs and records, analyses, official memos – were burnt up of

otherwise destroyed. They were also photocopied and tucked away – just in case... There is no telling whether the DOS politicians had been aware of the Service's true position and role up to the events of October 5. As of 1990, Milosevic had fully and *de facto* separated the Service from the Ministry of the Interior's organizational and formational structure. Though it had formally remained a part of the Ministry, Milosevic had turned it into his private intelligence service. The Service's chiefs – starting from Janackovic, through Stanisic, to Markovic – used to directly report to him. Ministers thought it better to mind their own business and never ask their assistants, chiefs of the State Security Service, about any issue of importance. Milosevic also used to give oral instructions directly to the chiefs, bypassing ministers, and so left no written or recorded trace of his orders. Such *informal* approach turned into the Service's book back in 1990. Thus the legislation stipulating domains of internal affairs and the state's security was being systematically breached. The Service used to be deployed in the territories of neighboring and other states, while itself forming para-military units - such as the Special Operations Unit - that lasted to this very day. The Service used to deal in scores of extremely intriguing, "security-related" activities such as arms smuggling, financial manipulation, narcotics trafficking and even political murders. It never crossed Milosevic's mind – the mind of "Big Deregulator" as lawyer Srdja Popovic labeled him – to pass a new law to regulate this sphere. Totally outdated Federal Law on Basics of the State Security System, enacted way back in 1984, is in force to this very day. Milosevic's reasoning about the matter is clear: why pass laws when they just unnecessarily make things more complicated? Over years and over wars, the Service alienated itself and became independent, thus turning into a private non-governmental organization (in terms of being beyond the control of any executive or parliamentary power, except for the President himself). That was the Service that the DOS, through Zoran Djindjic, took over on a "turn-key basis". It took it over as it was (as found, according to the commercial law terminology) at the point of the overthrow. No one can tell with certainty whether they were aware of the kind of the pig in a poke they bought without let or hindrance.

Even less was Vojislav Kostunica aware of the person he got himself mixed up with when asking Rade Markovic to remain in office after the overthrow. To all appearances, the dispute between him and Djindjic was clear-cut even before October 5. Therefore, Kostunica – panicky at the thought of being left with no secret service, so much cherished by Serbian petty politicians – decided to keep both Markovic and Pavkovic in office. A decision for which he got it in the neck later on, the same as Djindjic when it came to his friend Ulemek/Lukovic/Legija of the State Security Service's Special Operations Unit.

2001: The DOS Rule

After the December parliamentary election in Serbia, the DOS finally took over the Ministry of the Interior on January 26. An underhand, sly conflict between Djindjic and Kostunica marked this step as well. Namely, lawyer Gradimir Nalic topped the list of the DOS' candidates for the office of the Minister of Internal Affairs. However, once he was nominated, Djindjic and his faction turned him down on the grounds of rather dubious, anonymous accusations that he was mixed up in some foul play. Elaboration of such accusations would be bad taste. As it turned out later on, it was Kostunica and his Democratic Party of Serbia that backed Nalic. The latter ended up as one of Kostunica's advisers. The scandal was ironed out through a compromise: Dusan Mihajlovic of the New Democracy was appointed acting minister. As once head of the Valjevo branch of the State Security Service, he was at least qualified for the job. He is still an acting minister. As the case may be, DOS would have hardly found a better solution.

Top people of the Serbian Ministry of the Interior were immediately cleansed: heads of both security services were dismissed, along with heads of bureaus, regional chiefs and heads of the Service's local branches throughout Serbia. Sreten Lukic was appointed the head of the Public Security Service, while Goran Petrovic was selected to the office of the head of the State Security Service. Promises about reforms of both services were made. Here the State Security Service was pinpointed by statements such as "It will be turned into a special governmental agency under parliamentary control, and will be set apart from the Ministry of the Interior". Special working groups kept drafting relevant laws over most part of 2001. And yet, such laws are presently (February 2002) still far from being submitted to the Serbian Legislature for consideration. Scores of scandals begun to untangle, and people were dismissed or arrested once Mihajlovic came to the top of the Ministry. Revival of a notorious affair that broke when a refrigerator truck full of corpses emerged from the Danube nearby Kladovo in April 1999 was the most striking of them all. The affair resulted in the discovery of mass graves in areas belonging to the Ministry of the Interior. There is no telling what measures were taken later on. Now that two years have elapsed, apart from bringing criminal charges against unknown perpetrators, hardly anything else can be

done in terms of law and criminology. Some clues might well pop up were information about crimes committed at that time in Kosovo and findings of autopsies crisscrossed. However, to all appearances, a political readiness for it is still lacking. People tasked with digging out, transporting and burying these corpses acted upon orders and were duty bound to keep it undercover. Persons that issued orders can be sued on several grounds, but here we once again face the lack of political will. So, the police did their part of the job, but the judiciary and politicians did not.

Ten out of eleven heads of bureaus making the State Security Service and a number of regional chiefs were deposed. The very fact that the Service had as many as eleven bureaus and almost 3,000 people working for them cannot but make one worry. The overthrow itself was marked by two major scandals: the case of the Ibar highway and 660 kilos of pure heroine (No. 3; 94%) discovered in a safe-deposit box under the Service's control. So far, nothing much has been done to untangle the two affairs. Rade Markovic, former head of the State Security Service, Milan Radonjic, former head of the Service's Belgrade Branch Office, as well as some small fry were arrested and accused. The same happened to persons that killed several officials of the Serbian Renewal Movement at the Ibar highway in October 1999. What strikes one's notice in the latter affair is strong, passive resistance on the part of the Ministry of the Interior when it comes to untangling it. This primarily refers to clarifying the role played by the then commander of the Special Operations Unit, Ulemek/Lukovic/Legija - since nothing could have been done without him knowing - and by some other actors in the complot. The newly appointed head of the State Security Service, Goran Petrovic, made it clear he was not eager to go on probing into the Service's activities over past ten years. Something like "We have thrown enough people from our ranks to the wolves of justice, so don't ask for any more" might best describe his attitude. While speaking about the Service's future role, Petrovic used pretty loose phrases such as "fight against organized crime" or "anti-terrorist struggle". When one bears in mind the Public Security Service's current resources, one cannot but feel it was all about overlapping and competition. Then, he refused to clarify the status of the Special Operations Unit, in spite of the fact that both the Public Security Service and the Yugoslav Army had a unit as such each, and, moreover, more experienced in and qualified for the job. So, that was another case of overlapped, costly resources. What is mostly impressed on one's memory of Petrovic's term of office (January-November, 2001) was that he tried to keep the service the way it was at Milosevic's era and impose himself as a partner to the new administration. And, that he would not let go his grab bag or accept any kind of control. As it turned out, some officials in the new administration firstly consented to such arrangement - they did till the devil took his due several months later. The affair with 660 kilos of heroine, the Service "got" from Mihalj Kertes in 1997 (two cases of confiscation at the border crossing between Yugoslavia and Bulgaria) - something that should not have come into the hands of the Service, but had to be destroyed under a commission's surveillance - remained unsolved. It is a well-known fact that the last person in charge of the key to the safe-deposit box was the then high official of the Service, Branko Crni. It is a well-known fact that heroine was kept in a safe in the Federal Ministry of the Interior till the autumn of 1998. However, no one bothered to ask the then head of the Service, Jovica Stanisic, and his associates why they had kept heroine and what they had in mind to do with it. Was it so because the answer is self-evident? For, the only use of heroine is to have it sold in the streets to drug addicts. Unless he acts as a street dealer himself, an owner of 660 kilos of heroine would charge a 50 percent commission when striking a bargain for the entire quantity with organizations working the streets. This particularly refers to an owner able to guarantee a *safe* operation - for the value of heroine referred to here amounts to five or six million German marks. And this is nothing but the crime of possessing with intention to sell out. No other explanation would be sustainable. Perhaps the State Security Service intended to exchange heroine for goods or services, as it makes a better currency than money itself. Of course, this is no excuse whatsoever, as we are speaking here about law enforcement officers people expect not to be involved in crimes. The very fact that the scandal was practically hushed down and no action was taken in spite of strong evidence of a crime committed, best illustrates the new administration's readiness to swap and haggle with centers of power in the State Security Service is has inherited. Such trend continued regardless of admonitory incidents to be described bellow.

The arrest of Slobodan Milosevic in late March 2001 pinpointed other flaws in the Ministry of the Interior's performance, but also that of the new administration. Instead of handling a banal and simple operation swiftly and discreetly, they turned it into a circus. Instead of just one bailiff summoning Slobodan Milosevic to report to an investigating judge, a delegation packed in several armed vehicles showed up in the Uzicka Street. Instead of an expert team silently infiltrated in a well-guarded residence, we were witnesses to a burlesque in the night of March 31 - April 1. That was when we saw with our own eyes the way the Special Operations Unit operates. These "super-heroes" and "new Obilics" were jumping a wall adjacent to a wide open gate and then, after two or

three shots fired from the residence, turned tail and run. And, all that was on air. A farce as such would have never occurred were the police and politicians acting properly. Similar amateurism marked Milosevic's extradition to The Hague. Someone from the Service photographed the scene when Milosevic was turned over to the Tribunal's officials and boarded a helicopter, and then sold pictures to a newspaper. When other media protested over it, they got a cynical answer about "a public area" wherein anyone might easily take shots. This "public area" was the Service's helipad located within its closed and tightly protected complex in Banjica, nearby the Military-Medical Academy – a place one should know better than peek through a fence, let alone to produce a camera.

The Service's privileged status and attempts of DOS factions backing it as such to get hold of the Service led to new scandals over the same year. Momir Gavrilovic was murdered in early August. As it turned out, Gavrilovic had been the Service's major agent during the wars in Croatia and Bosnia, but also an actor in some other foul plays. Vojislav Kostunica's Office misled the public by saying Gavrilovic had been murdered for presenting the Office "significant documents" that allegedly compromised some DOS member-parties. Wording and style of the misinformation overtly pointed to Djindjic's apparatus as the murder's inciter. An ensuing polemic showed that Goran Petrovic had denied the public information about Gavrilovic, while the Public Security Service had to dig into its files to trace back the deceased's career and probe circumstances relevant to his meeting with the people from the President's Office. This case was just another illustrative instance of a sly and wily battle Djindjic and Kostunica were engaged in to win the control over - or affection of - the State Security Service. Sickly fascinated with secret services, both sides provided the Service a maneuver ground to manipulate, intrigue and befool them into turning against each other, and all that to its own advantage. At least that was a skill the Service has mastered over past years.

This foul play affected the Public Security Service. Ever since last June (the time of Milosevic's extradition) the Democratic Party of Serbia has been calling the Ministry of the Interior on the carpet for "incompetence". Actually, one hardly needs to take the trouble to criticize the Ministry. Its newly appointed top people were - and still are - faced with strong, passive resistance and entrenched bureaucratic inertia of the police apparatus. Habits, bias, rights and privileges accumulated over ten years are hard to break. Dusan Mihajlovic's Office resolutely took several both symbolic and significant steps, and thus opened a breach or established a foothold for further reform of the police. And yet, much too time in 2001 was squandered in futile rebukes of the type such as "You are inefficient!" (Democratic Party of Serbia) or "How would you expect us to be efficient when you have kept Rade Markovic in office long enough to make it possible for him to destroy evidence and intimidate witnesses?" (Ministry of the Interior). It goes without saying that Vojislav Kostunica and his party's "moderate nationalism" boosted and still boosts witnesses, perpetrators and organizers of a number of unsolved crimes. These people see themselves as patriots in the service of Serbia under Milosevic. This was best illustrated by cooperation with The Hague Tribunal: the Democratic Party of Serbia and Vojislav Kostunica's political shilly-shallying and overt disgust with The Hague heartened possible witnesses to deny cooperation. On the other hand, the still delayed reform of the State Security Service and successful reshuffling of its old cadres intimidated them. The Service figured as a key instrument of Milosevic's policy in all the three indictments against him. As long as the Service's formation, organization and power follow Milosevic's design, and all the way until it gets reformed and cleansed, the Service will be casting its long shadow on the cooperation with The Hague Tribunal.

The revolt staged by the Special Operations Unit in November 2001 best illustrates the above political dialectics. Here it was all about a unit of dubious status and composition, already involved in at least one political murder and scores of war crimes in Milosevic's era. Under the pretext of being "aghast" with extradition to The Hague Tribunal of two obscure brothers from Bosnia, arrested in Obrenovac, "legalists from Kula" proclaimed a protest and shut themselves in their Kula-seated base. They blocked for a while the Novi Sad - Subotica highway requesting "passing of a law on cooperation with the Tribunal" and then, packed in twenty-odd vehicles, drove to Belgrade where they kept under blockade the highway nearby the Sava Center. That was an act of insubordination and armed rebellion, stipulated under the Criminal Code and the Code of Internal Affairs. Zoran Djindjic, Ceda Jovanovic and Dusan Mihajlovic managed to cool down the revolt. A compromise was reached, nobody was called to account, while the head of the State Security Service and his deputy were deposed. However, as it turned out in an analysis made by the Ministry of the Interior, some officers from the Special Operations Unit were in touch with the Democratic Party of Serbia before and during the riot. The Democratic Party of Serbia backed the riot and its objectives - the latter were congruent to its political stands.

The episode casting "legalists from Kula" uncovered true proportions of the conflict between the Democratic Party of Serbia and the rest of the DOS to win control over or affection of

the State Security Service. While overdoing themselves to show understanding for the Service, both sides, hand in hand, turned a blind eye to obvious, flagrant and politically motivated armed rebellion and granted their pardon. What resulted from the affair was Goran Petrovic's reassignment to the head of the Foreign Ministry's intelligence Service and "moving" of the Special Operations Unit under the jurisdiction of the Public Security Service, the Minister and the government. One cannot but feel that the new administration overtly hesitates and lacks political will when it comes to showing the Service and its para-military unit their proper place, reforming the Service and placing it under governmental and parliamentary control, double-checking people in the Unit and then assigning them to relevant units of the Public Security Service and the Army. As if it is saving them for rainy day. As there was no doubt that something should be done about the matter, Zoran Djindjic was simply forced to make up the State Security Council, a governmental body in charge of the Service. Kostunica reacted by making up himself the National Security Council on federal level. Both steps were nothing but political marketing: formationally, the Serbian cabinet is anyway in charge of the Ministry of the Interior and the State Security Service as its section; as a head of the federal state, Kostunica is anyway in charge of military intelligence and the Foreign Ministry's intelligence service. As for Montenegrins, they are surely deaf to taking part in the Council's proceedings. So, these are all just superficial moves. They can in no way effect the actual situation in the domain of security and control over the police.

Conclusion and Prospects

In 2001, in spite of promises made and strategies drawn, the DOS hardly went beyond tactical moves in the security sector. Moreover, some of these moves were made as if, under particular circumstances, there was no other way out. Allegedly, legislation stipulating reforms in the police and the State Security Service was ready at hand, draft laws were, allegedly, very good and - naturally - "in line with European standards". But somehow the government never made them public and submitted to the People's Assembly. Throughout the year, everyone of the DOS has talked big about reforms, the rule of law, "European standards" and other politically suitable things. Had the DOS used its political capital earned on October 5, initial enthusiasm and plebiscitary support it enjoyed for months, the coalition could have dealt with reforms in the police and the Service to its heart's content. For instance, it could have disbanded the Service and immediately formed a new one, let alone thoroughly shook up and disciplined the existing one with no drastic measures taken. However, for some whys and wherefores the DOS thought it better to do nothing about the matter until further notice. The State Security Service interpreted a signal as such properly - "the DOS is ready to make compromises". For, were it not so, Rade Markovic would have been arrested on October 6, rather than making the President's Office waver until the last minute (January 2001) whether or not to appoint him adviser to the President for national security issues. Neither the other side differs much in these matters. Shortly after October 5, Zoran Djindjic badly compromised himself by mystifying the Special Operations Unit and his pal Milorad Ulemek/Lukovic/Legija. The latter, according to Djindjic, was out savior, since he didn't kill us all - all 700,000 people - in the streets that afternoon. And he might have easily done so, the hero he was. So, both the Democratic Party and the Democratic Party of Serbia got themselves trapped in their own deceitful plans for the State Security Service. And the latter welcomed it heartily.

By far more was done in the public security sector, though not in due time. For instance, change of police ID cards and badges was one year delayed, which is too much when one bears in mind that in Milosevic's era these insignia were arbitrarily showered upon all sorts of people that had nothing to do with the police. Moreover, they were given freely to persons closely related to the State Security Service, but tied to it in a way that would make any future investigation or analysis utterly embarrassing. What is highly commendable is that, after ten years, the Independent Police Trade Union was finally recognized and entered into register. True, this implied just registration at the federal level, since current Serbian Constitution denies policemen the right to association. Besides, the Serbian Ministry of the Interior was rather successful in disciplining law enforcement officers, deterring them from taking bribes and encouraging trends to prove favorable in the long run. The Department to Fight Organized Crime was set up with care and heed. This is encouraging, too. For, only officers that have clear hands, that are well-paid and well-protected from political pressure and other temptations are able to cope with crime. And yet, there are ifs or buts. The DOS has not bothered to convince us that this new department would retain its initial purpose.

Interestingly enough, amendments to the Code of Criminal Procedure were firstly met with brickbats and then accepted. Actually, the police became aware that the amendments would make their job easier in the long run, in spite of adding to their troubles in pretrial procedures. But that's the way all normal states operate...

Any attempt to assess future trends in the reform of the police and the State Security Service is dependent on political will - and political agreements made within the DOS. There are grounds enough to believe that the reform and modernization of the Public Security Service would be more or less smooth, mostly thanks to financial, technical and expert assistance granted by big powers. Anyway, the sector of public security has never been under question. What is questionable is survival of the State Security Service in the form Milosevic shaped it. Recently publicized transcripts of the Federal Parliament's inquiry committees relevant to the murder of Pavle Bulatovic clearly testify that the State Security Service still behaves arrogantly and as if it was beyond the law (see statements given by officers of the Belgrade Secretariat for the Interior, who claimed they dared not even ask the State Security for a piece of information, but simply had to hand over whatever the latter demanded). The State Security Service was and still is the major problem the new administration has to cope with, but do it at its own will. If there were people believing they would be able to keep the Service - as it was, intact and not reformed - on a tight rein and deploy it irresponsibly (without any sense of responsibility whatsoever) the way Milosevic did, they were deeply in the wrong. A company as such is older and wiser than gentlemen from the DOS. After past twelve-odd years of its unbrokenly privileged status and power, this company can hardly be *tamed*. All one can do is make compromises with it, and to it to his own disadvantage. For, a key political issue in 2001 was about who planned to take whom under control. Was it the DOS that wanted to control the Service or the other way round? As long as the Service is not thoroughly reformed, as long as it is not turned in the promised governmental agency apart of the Ministry of the Interior and under parliamentary control, as long as the DOS member-parties do not realize that a democracy is based on democratic standards, rather than on secret police, we shall be witnessing the sad story about the struggle over winning the Service's affection. As long as Zoran Djindjic, Vojislav Kostunica and others fight for its love and support, the Service will be able to hold sway of Serbia's political scene. Unfortunately, this is what we faced in 2001 although executive power had been in the hands of the DOS coalition for over a year. They had the Ministry of the Interior in hand; they had impressive majority of parliamentary seats; they had both knife and cake at hand; and, they enjoyed full political legitimacy to use both knife and cake as they wished. They still have all of it.

HEALTH CARE

This survey of the state of health services in Serbia in the year 2001 focuses on the following main points: coping with inherited deficiencies and planning a comprehensive survey of the situation; lack of resources at all levels and in all spheres of work; dealing with priority problems chiefly by means of foreign donations and humanitarian aid; personnel changes; outlines of a project to reform the health care sector.

At the beginning of 2001, Serbia's public health sector was owed 420 million DEM in unpaid health contributions to the Bureau of Health Insurance, the total arrears on all accounts amounting to 2.5 billion DEM. Whereas in the first quarter of the year the health services needed 115 million DEM to operate, the Bureau of Health Care was receiving only 75 million DEM a month. The per-capita contribution to the Bureau of Health Insurance was 60 DEM, compared with 900 DEM in Slovenia, 2,000 DEM in West Europe, and 4,000 DEM in the United States.

The 2001 draft budget fixed Health Care Fund expenditure for the year at 2.004 billion dinars and set aside a further 171.8 million dinars for specific outlay in the health care sector. In its budget estimate, the Government noted that at the beginning of the year prices were 54.6 per cent higher than the year before and that inflation was expected to run at 30 per cent, causing prices to increase on average by 76.3 per cent. At the same time, the budget experts projected a 5 per cent rise in wages in real terms, or 88.6 per cent in nominal terms, from 2000. The Minister for Health, Obren Joksimovic, said in February 2001 that no effort must be spared to cut health expenditure by 30 per cent in the next three months and promised a partial report on the state of affairs in the health care sector sometime in March or April 2001.

According to the Bureau of Health Care, a total of 8,543,744 people were entitled to free health care in 2000 - 4,578,734 contributors and 3,965,010 members of their families - and medical services were provided to 676,099 unemployed beneficiaries at the expense of the budget. Health care was extended to all pre-school children, school children, students up to twenty-six years of age, persons older than sixty-five years of age, expectant mothers, mothers up to one year following confinement, registered unemployed persons and members of their families receiving a cash allowance, disabled war veterans, disabled civilians, disabled members of the

armed forces, blood and organ donors, persons suffering from professional diseases, victims of industrial injury, and sufferers from serious diseases such as diabetes, malignant tumours, and infectious diseases (AIDS).

As a result of falling living standards, bombing, and chronic stress over the years there was an increase in cancer and in infectious, cardiovascular, psychiatric, transmissible, and venereal diseases collectively known as the "Balkan syndrome". In 2000 the number of new cases of cancer was up 63 per cent from 1991; depression and anxiety were likewise on the rise; and more people aged twenty to thirty died suddenly of myocardial infarct, cardiovascular diseases accounting for 55 per cent of all deaths. The maternal mortality rate - the number of women per 100,000 live births who died during pregnancy or confinement, or within forty-two days of confinement - was 7.3 per cent in Yugoslavia in 1996, 20.3 per cent in 1997, and 8.6 per cent in 1999 (more than the 6 per cent being considered as acceptable by UNICEF). In 2000 the infant mortality rate - the number of infant deaths per 1,000 live births - was 11.7 per mil.

The cost of kidney machine services for a patient suffering from chronic renal insufficiency was 14,400 DEM a year, so the treatment of 3,600 such patients in Serbia came to 52 million DEM a year. Kidney patients, who account for 0.36 per mil of the population, consumed 8 per cent of the 650 million DEM of total revenue of the republic's Bureau of Health Insurance in 2000.

The 382 patients who had had a transplant operation and those waiting for such an operation cost the state 530,400 DEM a month.

There were 943 registered AIDS patients in 2001, of whom forty-three cases were detected that year, the total number of infected persons being 1,300. It cost 670 USD to treat an AIDS patient a month or 8,000 USD a year, the total coming to 100,000 USD a year. These were people aged thirty to forty-five who had contracted the virus between sixteen and twenty-five years of age; 60.3 per cent of them were drug users and the most frequent way of contracting the virus was through heterosexual contact.

The treatment of malignant tumour patients too was much too expensive for Serbia's impoverished health care services: breast cancer treatment with FAC cytostatics cost 182 USD, CMF treatment 46 USD, and Nolvadex treatment 30 USD a month; and chemotherapy for ovary cancer cost 1,600 USD, testis cancer 300 USD, and colon cancer 70 USD a month. These prices do not include the cost of supportive therapy, disposable materials, and surgery. Some 5,000 new cases of malignant disease were detected in Belgrade in 2000, the number having doubled or tripled between 1991 and 2001. In the past five years a Belgrade hospital - the Clinical Hospital of Zemun - alone had diagnosed 800 new cases of malignant disease a year. At the beginning of 2001, some 1.5 per cent of the population of Belgrade suffered from some sort of malignant tumour, 80 per cent of them being over fifty years of age. In 1996-99 the incidence of tumour among patients aged fifteen to nineteen doubled from 4.76 per cent in 1979-88 to 7.41 per cent; among children aged three to six it increased by 35.8 per cent, from 5.39 per cent to 7.6 per cent; and among the population in general it increased by one-fifth, from 10.15 per cent to 12.29 per cent. The most common types of cancer attacking men were lung cancer, skin cancer, bladder cancer, and prostate cancer; on the other hand, the women suffered mostly from breast cancer, uterine and uterine cervix cancer, and skin cancer; and four times as many men died of malignant disease as women. In children, the most common types of malignant disease were leukaemia, kidney cancer, brain cancer, and Hodgkin's disease.

Serbia's health care services employed some 134,000 people including 100,000 medical staff, 21,500 doctors, 4,000 stomatologists, and 2,000 pharmacists. The specialism structure of the doctors was unfavourable, there being six medical consultants for every general practitioner. Furthermore, there were some 6,000 doctors who were either unemployed or engaged in some other occupation. According to data of the Bureau of Employment for April 2000, the registered unemployed included 1,476 doctors, 513 stomatologists, 205 certified pharmacists and biochemists, 600 health workers with high-school vocational qualifications, and 12,550 health workers with secondary-school vocational qualifications. The average wage of a doctor in the first quarter of 2001 was 200 DEM, an increase of 100 per cent from the previous three-month period. A medical consultant earned only twice as much as a cleaner.

Of the 4,800 health workers who had fled from Kosovo and Metohija, 1,000 were doctors. Their wages were paid by the Serbian Ministry of Health according to a set schedule although they were actually unemployed by virtue of their refugee status.

Serbia's health care services had over 48,000 hospital beds: bed occupancy was least in infectious and skin and venereal establishments, and most in those treating neurological, psychiatric, cardiovascular, and cerebrovascular diseases. Serbia's prestigious health establishment, the Clinical Hospital Centre of Serbia, had a staff of 7,000 including 1,300 doctors, 450 buildings, and 5,000 beds.

A total of 3,082,500 prescriptions were realized during 2000, averaging 69.96 dinars per prescription. The total expenditure of the Bureau for Medicines on prescriptions was 2,280.9 million dinars or 11.14 per cent of the total expenditure of the Health Care Fund.

Serbia's health institutions look like repositories for obsolete and worn out equipment. According to the Institute "Dr Milan Jovanovic", whose approval is sought before medical equipment is imported into the country, Serbia's health institutions received 485 medical appliances in 1995, 357 in 1997, 157 in 1998, 47 in 1999, and 44 in 2000, 1,000,000 million DEM having been approved in the first half of 2001 for the purchase of 12 new appliances. The cost of all equipment purchase is borne by the Bureau of Health Insurance.

The right to health care of the citizens of Serbia, as one of the fundamental human rights, was steadily being eroded, resulting in diminished access to health services and deterioration of the general health condition of the population. The outcome is the product of the discrepancy between the population's health needs and its entitlements to health care on the one hand, and the poor material resources, disorganization and malfunction of the health care services on the other. The legislation on health care and health insurance passed in 1992 has not been amended in spite of its many flaws, and such good provisions as it contains have not been carried out in practice. The economic power of the country in terms of the per-capita income has declined more than three times in the past decade, widening the gap between people's entitlements to health care and the quality of health care services accordingly. Serbia's once much better organized health care sector has been devastated by economic crisis, marginalization from within, poor human relations, and corruption. The severe shortage of funds and material was keenly felt by all health institutions, which lacked such basic necessities as electric bulbs, toiletries, bedding, food for patients, and petrol for urgent and non-urgent ambulance services. What is more, patients were forced to buy the medicines and sanitary materials needed for their treatment out of their own pocket, and even had to provide alcohol, gauze, and disposable gloves. Medical equipment for both diagnostic and therapeutic purposes was fit to be written off and some pieces still in use by top medical institutions represented rare museum exhibits. Uneconomical use of space and personnel, poor organization of work, insufficient utilization of resources, lack of flexibility in problem solving, adherence to obsolete methods of work, corruption and nepotism, declining quality of professional and scientific-research work and of treatment in general, and erosion of the profession's ethic principles were the main problems besetting Serbia's health services in 2001.

In April 2001, a group of prominent Belgrade doctors and social medicine and health organization experts promoted a book entitled *Osnove za reformu sistema zdravstvene zastite* (fundamentals for reforming the health care system) and published by the Alternatives Study Centre. The book sums up the following ten most widespread fallacies about Serbia's health services as follows:

- health care in Serbia is free of charge;
- there is enough money to finance all the health care entitlements prescribed by law;
- all people have equal access to health care;
- the existing health care system can and does cope with all the health problems of health care beneficiaries;
- modern management and privatisation are not suitable for socialized health care systems;
- people in Serbia receive quality, effective and rational treatment according to European standards;
- the health services are overstaffed;
- better qualification structure of health care employees and greater use of modern technology ensure better health care;
- doctors have discretion to make the best decision for the benefit of patients.

All these fallacies had been spread over the years by top officials of the former regime whose assessment of the state of health care services in Serbia could be summed up as follows, "There's plenty of everything, and there's no problem that can't be solved".

For one thing, health care in Serbia has not been free of charge for over ten years, with every fifth legal person paying health care and social security contributions in the first half of 2001. Under the former regime, there were a number of highly profitable "privileged firms", such as the Naftna industrija Srbije oil company and the Elektro distribucija power-supply company, which were exempted from paying health care contributions, the explanation being that the profits would be "directed towards development". Thus, in 1997 alone, the Bureau of Health Insurance was deprived of 2 billion dinars or 630 million DEM on this score.

Although in theory all citizens of Serbia and Yugoslavia were entitled to "free medical treatment", in practice only a small number of diagnostic and therapeutic services falling within primary health care and rendered at local health centre outpatient departments were free of

charge. Owing to the chronic shortage of reagents appointments for basic laboratory tests had to be made a week in advance. Health centres had to cancel contrast X-ray examinations owing to lack of films, and patients had to wait several days for ultrasonic and specialist examination by cardiologists, gynaecologists, and psychiatrists. Insufficient use was made of the expertise of general practitioners, who were largely reduced to dispatching patients to medical consultants for all but the most basic diagnosis. The home treatment, visiting, and emergency services provided by health centres were frequently unable to reach all patients owing to fuel shortage, the emergency service having to determine its priorities on the basis of telephone calls from patients or their next of kin and, as a rule, "disqualify" older patients.

Medical personnel was not distributed according to need: Belgrade health centres and other medical establishments without in-patient departments, for example, had a surplus of 17.4 per cent doctors and 14 per cent nurses engaged in school children, industrial medicine, stomatology, and women's health care work while having a shortage of home treatment and care, laboratory, and X-ray staff. Because patients had to wait for several months to be examined by hospital consultants, urgent cases had to be taken care of by emergency out-patient services.

Owing to the general shortage, all hospitals practically suspended out-patient diagnosing services to patients referred to them by health centres, so the patients had to be hospitalized in order to be examined, which pushed up the cost of diagnosis. The hospitals were so overcrowded that a patient often had to wait for admission until his or her condition became so serious as to warrant "emergency admission". Although hospitals were better equipped than health centres for most diagnostic work, many procedures were skipped either because the equipment was out of order or there was no money for the materials. Patients are known to have been forced to procure barium meal for their stomach and intestine X-rays, iodine solution for intravenous pyelography and scanner examination, or electrodes for Holter monitoring. However, some diagnostic services such as scanner or magnetic resonance examination were immediately available for patients who could pay. Many laboratory appliances were out of use for years owing to the shortage of reagents, and the quality of diagnosis and the reliability of results was compromised by the poor servicing and maintenance of equipment. The top medical institution, the Clinical Hospital Centre of Serbia, lacked the 120,000 DEM a month for its laboratory diagnosis services and was unable to carry out even the most basic tests. At the Endocrinology Department, for example, blood samples for thyroid hormone testing were first refrigerated and then finally discarded because the laboratory lacked the necessary reagents. Of the 150 million dinars the Clinical Hospital Centre of Serbia earned a month, only 50 million dinars was refunded by the Health Care Fund and a further score or so million dinars obtained through cash payment for medicines. The haematology laboratory of the Clinical Hospital of Zemun was unable to use its blood count analyser owing to lack of necessary solutions, so it had to revert to antiquated methods of blood sampling and counting.

Hospitalized patients had to supply medicines and sanitary materials for their own use as well as to pay for comparatively advanced surgery such as laparoscopic cholecystectomy. In such conditions, any talk of medical services conforming to European standards is mere wishful thinking. For all their enthusiasm, the doctors were unable to diagnose and treat patients by modern methods because they were hamstrung by the prevailing conditions and forced to improvise diagnosis and modify treatment according to the resources at their disposal.

The premises of most in-patient establishments in Serbia, especially those in the cities and large towns, were unfit for diagnosis and treatment as well as unsanitary. On the other hand, certain premises, notably those of the Clinical Hospital Centre of Serbia, were uneconomically used. Although the new Clinical Hospital Centre of Serbia main building is under roof, it has been practically unused for a decade because the leading health authorities have been unable to agree how to allocate its rooms. Terminally ill patients were in a particularly difficult position because there were no hospices for their accommodation and no one seemed to care. Hospitals had too many cardiologists, phthisiotherapists, and gynaecologists and were short of radiologists, pathologists, anaesthesiologists, transfusionists, and oncologists. There was also a chronic shortage of medical nurses because they were required to work hard for little money and bore great responsibility.

There was a general impression that the money earmarked for health care was not being spent rationally. For instance, although three Belgrade establishments almost next to each other - the Institute of Oncology and Radiology, the University Clinic for Children, and the Magnetic Resonance Centre - had magnetic resonance facilities, the patient waiting list was hopelessly long. At the beginning of 2001 the Emergency Clinic of Serbia still had no scanner and only five of its thirty respirators were functional.

The catastrophic organization of the health services was the result of wrong personnel policy rather than of inadequate programmes. Instead of providing incentives and encouragement

for health workers, the system was weighed down by a system of wage-levelling: the coefficients used to calculate wages were 9.5 for doctors undergoing consultancy training and 9.59 for senior medical nurses in positions of authority, and consultants earned only twice as much as cleaners. While money was in short supply in some sectors, it was thrown away in others. The funds were allocated not according to the importance of medical establishments but according to the subservience and political fitness of their managers.

In such conditions corruption flourished because patients sometimes found that their only access to “free” health care was through payment, e.g. 500 DEM for a gall-bladder operation, 300 DEM for a voice cords tumour operation, 200-400 DEM for delivery, 5,000 DEM for regular use of the kidney machine, and as much for entitlement to a disablement pension.

On 12-15 October 2001, the Belgrade marketing and research office of Marten Board International, a partner of British Market Research bureau of London, conducted a public opinion poll to determine whether the citizens of Serbia were satisfied with health services rendered by various health care institutions such as public, military, and private establishments. The stratified sample encompassed 612 adult citizens of Serbia not counting Kosovo and Metohija. The results showed that 82 per cent of the respondents went to general public hospitals run by the state for most of their treatment, 6 per cent to military establishments, and 11 per cent to private establishments. Asked to rate the quality of medical services received on a scale from 1 to 5, they gave on average 2.43 for technical equipment, 2.19 for availability of medicines and sanitary materials, 1.8 for hospital food, 2.56 for hygiene, 3.1 for doctor and other staff competence, and 3.4 for success of treatment, the average total being 2.58. As to corruption, 40 per cent of respondents believed that the quality of treatment depended largely on whether or not one bribed the doctors and other staff, 10 per cent said that bribes were essential for quality treatment, and 28 per cent that bribing had little or no effect on the quality of service; 78 per cent said there was corruption in the health services, 34 per cent had had direct experience of it, and 7 per cent said they had been asked to pay for a free service; 29 per cent saw nothing wrong in offering a bribe and 3 per cent were prepared to do so.

Private medical practice was not incorporated in the social security system. Most private medical services were rendered in surgeries and polyclinics; private hospitals were not as numerous and concentrated on specific pathological conditions such as sterility, extra-uterine fertilization, and plastic, aesthetic and reconstructive surgery. A great many doctors employed by the public sector worked illegally in private surgeries. Because private surgeries were usually equipped to deal with less serious cases, patients requiring hospital treatment had to be referred to the public sector. Private surgeries and public hospitals co-operated illegally mostly through the services of doctors working in both. This practice gave rise to an absurd situation: a health centre would refer a patient to a public health institution for a free service; he would be told by the institution that such service was unavailable even if he was prepared to make the statutory part-payment for the service that would be refunded to the institution itself; and he would then discover that the same service was available immediately on payment of a certain sum directly to the staff. This practice was in evidence throughout the last decade.

This situation is a left-over from the period under the former regime, when the public health care sector was literally controlled by the political parties in power, especially by the Yugoslav Left (JUL), which had a near monopolistic position. All key positions in the public health sector were occupied by JUL and Socialist Party of Serbia (SPS) officials who engaged in all sorts of financial shady deals with impunity. Especially ruinous was the role of the “import lobby”, which drained the Serbian Health Care Fund of cash through high commissions and exorbitant prices for imported medicines and medical equipment.

In February 2001 Dr Obren Joksimovic, the Serbian Minister for Health, declared that “everything in the health care sector smells of crime” and promised an inquiry in order to “put things on a new footing”. He said that the department in his care had “nothing but problems” and described the situation as follows: “There are no medicines, sanitary materials, reagents...The equipment is ruined, everything is being acquired in piecemeal fashion thanks to foreign donations and aid, for there is no hard cash and the funds are empty.” He said that the “public health sector was devoured by percentages”, a reference to the fact that all purchases had been made at prices far above market prices and the huge balance simply pocketed. Dr Joksimovic said that total expenditure would have to be cut by 70 per cent, estimating that 30 per cent could be saved by reducing commission to what is usually charged abroad, and a further 30 per cent through economy and rationalization. For example, he said, the Czech Government wanted to make a donation to the city of Novi Sad, but domestic operators demanded 650,000 USD in commission to finalize the project. He also said that “corruption and crime in the health care sector is usually connected with investment: people bought whatever they wanted and kept up to 300 per cent for themselves; there were cases of equipment worth 500,000 DEM being bought at three times the

price.” “Serbia’s health care sector was defiled by individuals who had launched the catch-phrase “man of success”, which in our conditions could be translated as “thief”. They took advantage of their privileged position to enrich themselves while most health workers, some 100,000 of them, lived in penury.”

Most health care institutions in Serbia entered 2001 with huge debts and numerous credit arrears dating from the previous period. In July 2001 alone the Bureau of Health Insurance paid 80 million dinars in interest on unfavourable credit for medicines and sanitary materials concluded the year before. As a rule, the term of a new director coincided with the service on his institution of various acceptance orders by banks or the freezing of its account. For example, the Health Centre in Kikinda owed 35 million dinars for sanitary materials, medicines and orthopaedic aids, and earned only 485,000 dinars instead of at least 5 million dinars it needed a month. The debt of the Dedinje Institute for Cardiovascular Diseases under Dr Milovan Bojic had reached the sum of 25 million DEM, with interest amounting to 250,000 DEM a month. At the beginning of 2001, the Clinical Hospital of Zemun owed 38 million dinars, the Institute for Oncology and Radiology of Serbia 24 million dinars, and the Gynaecological-Obstetric Clinic Narodni front 18 million dinars. The Clinical Hospital of Kragujevac owed 33 million dinars for utility services and 60 million dinars for medicines.

The year 2001 saw the first arrests of former top health officials being investigated on suspicion of abuse of office and misappropriation of health care funds. At the end of March that year the public’s attention focused on the arrest of four doctors - Dr Tomislav Jankovic, Dr Nikola Mitrovic, Dr Zoran Visnjic, and Dr Radoslav Sekulic - who had occupied prominent positions under the former government. They were suspected of causing damage to the Health Care Fund through a deal involving the purchase of cytostatics and of other abuses. Dr Jankovic was first director of the Republican Health Care Fund and then director of the Republican Bureau for Health Insurance, which position he occupied for quite five months under Serbia’s caretaker government following the 5 October 2000 coup, a respite that gave him plenty of time to destroy much of the evidence. He was also director of the Torlak Institute of Virology, president of the Management Board of Galenika, prominent member of the JUL, member of the Management Board of the Komercijalna banka, member of the Managing Board of the Dunav insurance company, and president of the Management Board of Medifarm. Dr Mitrovic, long-time director of the Institute for Oncology and Radiology and senior JUL official, had twice been Serbia’s Minister for Health. Dr Visnjic, a senior SPS official, had first been “the City health minister” and then director of the leading Medifarm wholesale drugstore. Dr Sekulic owned Bestfarm, a company associated with financial irregularities at the Belgrade Military Hospital (VMA) in connection with trade in medicines and equipment. The former director of the Clinical Hospital of Nis, Ceda Kutlesic, was arrested in August on suspicion of abuse of office and financial irregularities. A group of doctors at the Medical Centre in Novi Pazar were sentenced in December for forging official health documents for unjustified retirement.

Numerous financial scandals involving seemingly successful health institutions also began to be exposed. The Bezanijska Kosa Clinical Hospital was a drastic example, facing bankruptcy because of a frozen account with the Beobanka. The hospital owed Philips nearly 6 million DEM for medical equipment consisting of scanner, magnetic resonance and angiograph, having paid only a deposit, the first instalment, and half of the second. Attention also focused on VMA financial irregularities connected with the purchase of medicines and equipment through the firm Best-farm owned by Dr Sekulic, as well as on a dispute between the Serbian state and the pharmaceutical company ICN Yugoslavia, during which many irregularities linked to medicine imports were exposed among other things, Dr Jankovic again being the chief suspect.

Personnel changes in the health care sector began as early as January 26 with the dismissal of Dr Nada Kostic, Minister for Health in Serbia’s transitional government, who had been favoured by most in the profession. The Democratic Party of Serbia (DSS) decided to appoint Dr Joksimovic in her place, so she left the party in spite of being one of its founders. Dr Joksimovic tendered his resignation at the end of August and left office on October 22. It was during his mandate that many people in charge of Serbian health establishments were dismissed: at the beginning of March, two thirds of directors of institutes and clinics - eighteen out of twenty-five - were dismissed from the Clinical Hospital Centre of Serbia. However, a committee set up to protect the Faculty of Medicine professors said in a statement to Tanjug news agency that the sacking of professors from leading positions at the Clinical Hospital Centre of Serbia was a “repetition of 1947, when a number of distinguished professors, who were rehabilitated only this year, were ignominiously chased out of the Belgrade Faculty of Medicine.”

The choice of a number of newly-appointed directors was challenged publicly on account of their questionable expertise and competence: for instance, Dr Milos Obrenovic, who was appointed by ministerial decree to take charge of the Institute of Rehabilitation in Sokobanjska St.,

had spent two of the three years he had been employed there on consultancy training outside the institution. In some cases the dissatisfied personnel staged protest strikes: the appointment of Dr Rada Rajlic as director of the Stari Grad health centre in Belgrade provoked a partial walkout; there was a similar protest at the health centre in Leskovac; and the mayors of Uzice, Arilje, Pozega, Kosjeric, Bajina Basta, Cajetina, and Nova Varos petitioned the Minister for Health to cancel the health centre directorial appointments. Soon afterwards there followed demands for the dismissal of Dr Joksimovic on the ground that he was reinstalling in positions of authority "cadres from the old political guard". The Serbian Government set up a commission to review the work of Dr Joksimovic, particularly to analyse his personnel policy. The objections to Dr Joksimovic were poignantly summed up in a bulletin-board newspaper put up in the Institute for Addictive Diseases and bearing the title: "The common traits of Slobodan Milosevic and Obren Joksimovic: disregard for the law, mendacity (pseudology phantastica), dominion (omnipotence), fixity of tenure, negating the people, enforcing obedience".

In April 2001 the Health and Family Committee adopted in principle a draft law to amend and supplement the Law on Health Insurance, which envisaged lower health insurance contribution rates to disburden the economy. The Deputy Minister for Health, Dragan Celikovic, said that the proposed 40.6 per cent cut in rates would be appropriate as far as the economy was concerned because it would help replenish the health care and social security funds. The budget set aside 1.2 billion dinars in a reserve fund to deal with a possible imbalance because there had previously been no tax on medicines. In future prescription medicines dispensed during hospital treatment would be taxed through budget resources.

The part-payment for medicines and services to the vale of 9 dinars, which had been abolished by decree by the then minister for health, Dr Milovan Bojic, on 20 July 2000, was reimposed by the outgoing deputy minister for health, Dr Pera Simonovic, at the beginning of October that year. It was abolished once again by Dr Nada Kostic, the minister in the Serbian transitional government, early in November 2000; its reimposition was announced in April 2001, only this time it would be 400 per cent higher by order of the Minister for Health, Dr Obren Joksimovic. However, some 60 per cent of persons covered by health care insurance - children, persons over sixty-five years of age, chronic patients, disabled persons, blood donors, and patients suffering from infectious and malignant diseases - were exempted from payment. Assuming that half the population of Serbia paid for their treatment, it was estimated that the cash inflow into the Health Care Fund would be, depending on the amount of the part-payment, 80 to 144 million dinars a day, some 2.4 billion dinars a month, or 20 to 40 billion dinars by the end of the year. This calculation was based on the assumption that at least 4,000,000 people, or half the population of Serbia, could afford to pay for their treatment and would turn up at general medicine surgeries each day to request referral. Separate part-payment was to be charged for consultancy examination or special investigation such as X-ray and ultrasonography diagnosis. Part-payment for medical examination on health centre referral and for prescription would be 20 dinars, for ultrasonographic diagnosis 50 to 80 dinars, scanner diagnosis 200 to 300 dinars, and magnetic resonance diagnosis 500 to 600 dinars. Furthermore, patients were to cover 50 per cent of the cost of an orthopaedic aid, 10 per cent of a prosthetic device (or pacemaker), and 60 per cent of a removable denture, with persons over twenty-one paying 30 per cent of the cost of aesthetic surgery. The rates for non-referral examination were far higher.

In May 2001 the wages of health workers ranged between 1,800 and 8,000 dinars, being calculated according to the lowest base relative to other branches in the non-productive sector of the economy, with holiday cash grants coming to 200 dinars. The Serbian Parliament decided in May to impose tax on gross wages including net pay, holiday cash grant, and field-work allowance. The lowest base continued to be applied to calculate compulsory health care and social security contributions relative to vocational qualification and workplace rating. A novelty consisted in limiting the highest basic rate on which health care contributions were payable to five times the average gross wage in the republic. The amended Law on Health Care Insurance, the package of tax laws, and the decision to tax gross wages took effect on 1 June 2001, followed by a strike later that month by health workers opposing the system of wage scales. At the beginning of September the Serbian Medical Association branch in Nis organized a protest panel discussion to draw attention to the small pay differences between health workers relative to their vocational qualifications and to the low remuneration of doctors in general.

Yugoslavia was readmitted to the World Health Organization (WHO) in May 2001. At the WHO General Assembly in Geneva on May 16, the federal Minister for Health, Miodrag Kovac, ceremoniously declared Yugoslavia a new member of the organization.

Under the auspices of the Council of Europe and the WHO regional headquarters, the ministers for health of seven Balkan countries - Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Macedonia, Romania, and Yugoslavia - signed a declaration on 2 September 2001 undertaking to

promote health care in the region and to ensure equal access to health care to all. They stressed the need to provide health care for disadvantaged groups through mutual co-operation and co-operation with international organizations. The projects to improve health care presented at the gathering were well received by the donators present - the World Bank, the British Government's foreign relations department, Greece, and Slovenia.

Following numerous press articles on the tragic consequences of doctors' errors and negligence, a draft of amendments to the Serbian Penal Code envisaged custodial sentences of three to fifteen years for doctors whose negligence or incompetence caused the death of a patient.

MEDICINES

A severe shortage of medicines primarily for chronic patients was in evidence throughout 2001, especially in the first half of the year. The supply was centralized and medicines were distributed by district, there being twenty-six districts in Serbia of which Belgrade, accounting for 33 per cent of all medicines, was the biggest consumer.

A conference held in the Federation Building in January 2001 announced that co-operation was under way with the European Agency for Reconstruction and Development to regulate the medicine supply through an aid package worth 50 million EUR. Part of the sum was earmarked for the pharmaceutical industry to revive production.

Cytostatics donated by the European Union through the organization Pharmacists Without Frontiers reached hospitals and pharmacies in the first quarter of the year.

Throughout 2001 the medicines market was unstable and affected by frequent shortages of mainly domestically-produced medicines. According to rough estimates, some 3 billion dinars was needed to keep the market well stocked with domestically-produced medicines for four months, the Health Insurance Fund financing 14 per cent of domestic production. Galenika was to supply 28 per cent, Panfarma 18 per cent, Zdravlje 16 per cent, and Hemofarm 12 per cent of the medicines order paid by the Bureau of Health Insurance. Regular supply of medicines featuring on the "positive list" required at least 700,000 DEM a month and preferably about 1 million DEM. Domestic producers were discouraged by low retail prices, high cost of imported primary products, black-market competition, and uncollected claims. They insisted on prices which would make them a profit or at least approximate the 1995 level, when domestic prices were in harmony with those in the rest of Europe. According to the president of the association of Yugoslav wholesale drugstores, prices of medicines in Yugoslavia should be half the average in countries from which primary products are imported, i.e. Austria, Greece, Italy or Germany. Domestic prices declined steadily during the previous period until they hit, during the term of Dr Bojic, the rock bottom at 8 per cent of foreign prices. Not having been corrected since April 1996, domestic prices stood at 18.6 per cent of world prices at the beginning of 2001.

There was no denying that medicine producers, wholesale drugstores, and retail pharmacies were talking plain economic common sense, for a situation where the price of a medicine was lower than the price of the materials necessary for its production was untenable. As a result, joint production occasionally ground to a halt and contracts were rescinded because the foreign partners could not make the profits they had expected. Medicines were often bought on the black market in Bosnia, Montenegro, and Macedonia. Because the prices of medicines had become prohibitively high for the impoverished population, the state had to intervene to help the poorest categories of patients. Experts believe that raising prices to 35 per cent of those charged abroad would ensure a "minimum of profitability" and keep the market relatively well stocked, obviating the need to import much more expensive and often domestically untested or unregistered medicines from abroad.

During December 2000 and January 2001 domestic producers supplied just over 50 per cent of the contracted quantities, so the contracts were extended to February to help them raise this to 75 per cent. Hemofarm was the most and Galenika the least successful of suppliers, having delivered 50 per cent and 15 per cent of the total respectively. The next two-month order was higher by some 300,000 dinars, 90 per cent of it being contracted with domestic producers. Products of Zorka farma worth 35 million dinars reached the market as early as the first ten days of March. During January and February the factory had put on the market 200,000 packages of Monizol, which had been in short supply, and was expected to deliver the whole contracted quantity consisting of 2,900,000 packages worth 238 million dinars. Hemofarm of Vrsac delivered 65,000,000 packages of medicines and preparations during 2000.

The situation in Leskovac and the other five municipalities of the district of Jablanica began to improve with the arrival of EU aid though some problems persisted, especially an acute shortage of antibiotics. Financial help to Zrenjanin from the Pharmacists Without Frontiers to buy medicines could not be realized because producers lacked the raw materials. Galenika of Zemun,

which in December 2000 had been given by the Pharmacists Without Frontiers some 500,000 DEM for insulin production, was sharply criticized by Minister Joksimovic for sending 3,500 workers on compulsory paid leave for sixty-four days amid a shortage of Galenika products on the market. This provoked a stormy reaction by the other side, which denied the charge and alleged that Galenika had supplied the market with medicines worth 15 million DEM in the first four months of 2001, that it had stocks to the value of another 10 million DEM, that the factory was operating at 70 per cent of capacity, and that its 3,150 employees were being paid on time, receiving on average over 8,000 dinars a month. Galenika was also said to have allocated thirteen flats to employees and was making arrangements through a US partner to ensure a humanitarian aid package worth more than 1.5 million DEM. Galenika's experts pointed out that the factory could have produced 156,000 units of quality insulin a month at a time when 500,000 bottles of Chinese insulin, made by obsolete technology and of questionable quality, were being kept in the factory's warehouse, the whole quantity being worth 1 dinar. The Minister replied that all medicines imported from China had been tested by the Institute of Pharmacy and been found to be of good quality.

Throughout 2001, the Ministry of Health and the ICN management were engaged in a polemic as to who was the majority owner of Galenika. An arbitration tribunal in Paris adjudged at the beginning of the year that the Serbian state was the majority owner, but the award was not final. The ICN management came out with new arguments and requested a revision. On 23 April 2001 a Serbian Government committee upheld the award on the grounds that the US ICN company had not fulfilled its obligations. The committee decided that the Serbian Government should appoint a manager within seven days and suggested to ICN to appoint his deputy pending further international arbitration. It was also decided that in future all matters of Galenika's financial operations should be subject to joint approval by the manager and his deputy, with the Serbian Government and ICN engaging an international committee of experts for capital valuation as well as a team to represent Serbia's interests before international arbitration in Paris.

Disposable syringes, penicillin, and X-ray films were delivered to health centres throughout Serbia at the beginning of the year.

Hemofarm of Vrsac began to manufacture insulin under licence from the Danish company Novo Nordisk to the value of 1 million DEM, the quantity being sufficient to meet Serbia's needs for two months. However, the Health Care Fund owed Novo Nordisk as much as 40 million DEM in May.

At the beginning of the year it was announced that medicines from the Slovenian pharmaceuticals producer Krka of Novo Mesto would soon reach domestic pharmacies. Pending the opening of a small factory to manufacture Krka products in Serbia, on which talks were under way, it was announced that Krka would sell Hemofarm licence for Statin. At the invitation of the Slovenian Chamber of Commerce, a group of Yugoslav journalists paid a visit in February to several largest Slovenian firms including Krka. On that occasion, Krka's Director Milos Kovacic said that the factory had plans to supply the Yugoslav market with medicines to the value of 10 million DEM over the next three years.

The Federal Ministry of Health and Social Policy informed the public that the Law on the Manufacture and Sale of Medicines prohibits advertising and promoting medicines, as well as giving any information about their effect, in the mass media. Paragraph 4 of Article 54 of the Law stipulates that one may advertise, promote or explicate non-prescription health and medicinal preparations only if they have been approved by the Federal Ministry of Health and Social Policy.

Minister Joksimovic twice turned down a request for an average 88 per cent increase in the price of medicines, accusing domestic producers of exporting more than producing for domestic consumption. However, the requested 88 per cent increase was approved by the Federal Government on 28 April 2001 on the grounds that it was "commensurate to the higher costs of production". A new method of price computation was adopted to correct the price disparities inherited from the previous period and a 12 per cent was added to the wholesale price.

According to the procurement schedule of the republican Ministry of Health, the Health Insurance Fund contracted for April and May the purchase of medicines and dispensable medical supplies to the value of 917 million dinars for pharmacies and wholesale drug stores, and 417 million dinars for health care institutions. The producers delivered the goods to this amount, with 446 million dinars worth of stocks remaining in wholesale drug store warehouses in April, increasing to 700 million dinars worth in May. This was the cause of the shortages of that period. For instance, in May the district of Smederevo received medicines and sanitary materials to the value of 22,168,838 dinars and the district of Pozarevac only to the value of 5,314,086 dinars.

The conflict between Minister Joksimovic and the Health Insurance Fund concerning the delay in medicine supplies came to the fore in July, the Minister accusing the Fund of obstruction and failure to implement the Ministry of Health decisions. The Fund decided to re-route the money

for medicines from producers to health care institutions and charged that the Ministry's July 20 directive to health institution directors had prevented them from ordering medicines according to their own needs, thus causing demand to fall by 70 per cent and bringing about a shortage of medicines and sanitary materials. The Ministry insisted on the sacking of the Fund's director, Mijat Savic, for refusing to sign contracts with domestic producers on medicine deliveries. A compromise was reached at a Government committee meeting on August 1, it being agreed that the Ministry and the Fund should prepare a joint district-by-district analysis of health care institution orders and needs preparatory to making a general assessment to serve as a basis for contracts with producers on the production and distribution of medicines. On August 10, the Fund paid its debt to the producers amounting to 900 million dinars and worked out a supply schedule until the end of the year to the value of 4.92 billion dinars, i.e. 1.66 billion for August, 807 million for September, 824 million for October, 687 million for November, and 705 for December. A discount of 16 per cent reduced the total to 3.437 billion dinars or 572 million dinars a month, representing a saving of 30 per cent on the 800 million dinars a month needed before the conclusion of the agreement.

The supply of domestically-produced medicines was stabler in the second half of the year and shortages were not as acute as before.

In the previous period, only four medicine producers - Hemofarm, Panfarma, Jugoremeija, and Zdravlje - met their contractual obligations, and Galenika met some 70 per cent. Under the new arrangements, Panfarma was scheduled to manufacture 20 per cent and Galenika 25.3 per cent of all medicines. In July 2001 Galenika owed foreign suppliers 60,387,881 USD and domestic suppliers 4,986,409 USD.

The Beograd distributive pharmacy dispensed 800,000 medicines by prescription a month through the capital's 107 pharmacies. The list of medicines prescribed at the cost of the Health Insurance Fund contained 400 medicines until October and 301 medicines afterwards. It is found desirable to reduce the list to the 100 medicines approved by the Fund.

While tax on medicines was 8 per cent in transition countries in 2001, it was 20 per cent in Serbia.

HUMANITARIAN AID

The Serbian Minister for Health, Dr Obren Joksimovic, said that the humanitarian aid the country had received over the previous ten years had been plundered on a large scale. Stealing was organized even in the Red Cross organization, so its method of work had to be changed radically. He accused the former authorities of a total absence of morals as far as humanitarian aid was concerned. After the change of government on 5 October 2000 a special office for humanitarian aid reception and distribution was formed to exercise control and prevent malpractice.

In December 2000, the European Community started, through the organization Pharmacists Without Frontiers, humanitarian medicine deliveries totalling some 20 million EUR. The Clinical Hospital Centre of Serbia received 40 per cent of the total aid dispatched to Serbia in 2001, the Belgrade Gynaecological-Obstetric Clinic receiving equipment from the Japanese Government.

A humanitarian pharmacy of the non-governmental organization Dunav of Paris was opened in the Montenegrin town of Bar in January 2001. During the past few years the organization had dispatched to Serbia and Montenegro medicines, clothing, and footwear in eighty-five articulated lorries, as well as more medicines by coach and JAT national airline planes. There is a distribution centre in New Belgrade with premises provided free of charge. Much of the aid goes to children in need of chemo-dialysis. The organization, owned by Zada Djurovic, a former resident of Berane who has lived in Paris for several decades, has been able to help 80 per cent of applicants. The organization sent aid to Kosovo as well as to Bosnia during the war there. The total value of aid dispatched as of this writing is estimated at several million DEM.

At the beginning of January 2001, the Rotary Club of Belgrade donated to the Bezanijska Kosa Clinical Hospital a six-month supply of cytostatics, worth 130,000 DEM, for the hospital's 70 or so patients on chemotherapy treatment. The president of the Club's Humanitarian Committee, Dr Slobodan Stankov, announced further humanitarian aid programmes for similar institutions elsewhere in Serbia. The organization had paid some 12,000 USD for the surgical treatment abroad of two boys and was planning further assistance to children with coronary complaints. A donation worth some 50,000 DEM was being prepared for handicapped, autistic, and cerebral paralysis children.

The University Clinic for Children in Belgrade and thirteen health centres in Serbia received during February aid in medicines and sanitary materials to the value of 450,000 DEM.

The Austrian Ambassador to the FRY, Dr Hanesd Porais, presented the Clinic's director, Dr Zoran Krstic, with medicines worth 50,000 DEM. The Austrian humanitarian organization Hilfswerk and the Austrian Government started a programme to help Serbia's socially distressed citizens, the initial phase consisting in supplying hospitals and refurbishing establishments for handicapped children and children without parental care. The value of the programme as of this writing was 1.5 million DEM.

The Italian Ambassador to the FRY, Giovanni Caracciola di Vietri, said in January 2001 that the Italian Parliament had approved 10 million DEM for the financing of health care services and welfare institutions in the FRY, of which 350,000 DEM would go to the Sveti Luka Health Centre in Smederevo to improve the conditions of work and purchase apparatus. The Ambassador also announced various forms of commercial co-operation between Italy and Smederevo with its attractive economic potentials.

In January 2001, the Clinical Hospital Centre of Serbia received a large supply of cephalosporin-type antibiotics worth 120,000 DEM, a donation from the Glaxo-Wellcome company through the courtesy of Princess Katarina Karadjordjevic. The supply was properly filed with the Humanitarian Office and reported to the Ministry of Health. These antibiotics had been in short supply on the market for some time and the 15,000 or so bottles received were enough for three months. Glaxo-Wellcome, whose representatives announced another medicine shipment in March, had previously given aid in medicines to the value of 500,000 DEM to health centres in Nis, Kragujevac, and Novi Sad, and to paediatric institutions in Belgrade such as the University Clinic for Children in Tirsova St., the Maternity Hospital, and the Institute for Premature Children. According to Professor Mihajlo Mitrovic, the former acting director of the Clinical Hospital Centre of Serbia, this was the largest donation made by a single firm. Crown Prince Aleksandar Karadjordjevic and Princess Katarina paid several visits to the Centre to familiarize themselves with the difficult conditions in which the institution operated. Thanks to his personal interest and engagement, numerous international humanitarian organization answered the calls to help.

Immunosuppressive medicines such as Sanium were delivered by the end of April through the Pharmacists Without Frontiers. The medicines were distributed to hospitals throughout Serbia and to the Belgrade pharmacy Njegos, which forwards monthly allocations to patients according to a list. The same shipment contained tuberculostatics and medicines for the treatment of psychiatric and cardiovascular diseases.

At the end of April, Israel sent humanitarian aid consisting of seven tonnes of cytostatics. The shipment was consecrated before leaving Israel by a Jerusalem Patriarchate bishop and arrived in Belgrade on a special plane carrying the Jerusalem mayor's Christian affairs adviser, Aviyatar Samuel.

Smaller aid packages intended for particular institutions arrived on several occasions. The International Committee of the Red Cross sent medicines, sanitary materials, needles, and surgical thread to the Clinical Hospital of Zemun; the International Publishers' Committee of New York donated cardiology monitors and a defibrillator; Belgrade Airport overhauled an aggregate several decades old and replaced the worn out parts; Marki komerc gave a supply of X-ray films; the Directorate of Supply and Procurement provided food; Siemens repaired four X-ray machines; the German Red Cross donated anaesthetics machines, a flexible gastroscope, centrifuges for the transfusion department, and EKG anaesthetics and cytostatics to the value of 600,000 DEM; medicines and orthopaedic aids arrived through the consulate in Düsseldorf; Coca Cola bought a sonograph worth 125,000 DEM; and the proceeds of a humanitarian concert in the National Theatre went towards the purchase of a lithoplast machine.

A scanner worth 800,000 DEM donated by the German Government to the Emergency Clinic in Belgrade was put into operation in May. As of this writing, the institution has received German Government aid to the value of 3.3 million DEM.

At the donors conference in Brussels in June 2001, the health sector submitted some 100 projects, mostly requests for medical equipment, and five countries - Italy, Spain, Norway, Britain, and Canada - responded. The donations promised would cover only part of the needs. The total sum earmarked for the health sector was not known because it was given in a package. Italy promised 13 million USD for medical equipment, Spain 10 million USD, UNICEF 5.5 million USD, and the European Union, which had already contributed 20 million EUR for medicine purchases, was to provide another 21 million EUR for the same purpose through an invitation for bids in August. The Norwegian Government approved in July 1.3 million DEM in aid to the Belgrade Emergency Service and 800,000 million DEM for the Beograd distributive pharmacy.

The humanitarian organization Lifeline, under the sponsorship of Princess Katarina Karadjordjevic, supplied over 4 million DEM in medicines in July.

At the end of the month Eduard Kunz, a member of the Serbian-Bavarian Commission, presented the Dr Dragisa Misovic Clinical Hospital with a humanitarian package consisting of

medicines worth 30,000 DEM and announced a delivery of equipment in August. The aid was being delivered under a protocol signed by the Serbian and Bavarian governments providing for co-operation in agriculture, water resources management, traffic, management, and education.

At the beginning of August, the Slovakian firm Kiriana Injecta delivered medical equipment to the value of 160,000 DEM for the health care sector in general as well as 15,000 DEM worth of equipment (50 stethoscopes and 100 blood pressure measuring instruments) to the Clinical Hospital Centre of Serbia.

The humanitarian organization Nada za zdravo srce (Hope of a Healthy Heart) under the presidency of Dr Mihajlo Vucinic arranged heart surgery abroad for children from disadvantaged categories such as refugees.

At the end of October, the Rotary Club donated to the Emergency Clinic in Belgrade an ambulance vehicle worth 140,000 DEM and equipped for providing emergency treatment. The Rotary Club of Switzerland presented the Clinical Hospital Centre of Serbia with 40 tonnes of working clothes, blankets, and bedding at the end of December.

Also in December, with the help of Lynn Montgomery, wife of the US Ambassador in Belgrade, and Princess Jelisaveta Karadjordjevic, 50,000 DEM was collected for medicines for the Institute for Infective and Tropical Diseases in Belgrade.

THE MENTAL HEALTH OF THE POPULATION

According to the Serbian Institute for Health Care, there were 474,121 registered cases of mental illness and behaviour disorders in 1997, 418,981 in 1998, and 361,238 in 1999, of whom 271,944 were adults and 82,297 employed. There were 5,170 patients among school children and 1,722 patients among pre-school children in 1999. The most frequent complaints were neurotic, stress-related, and psychosomatic, followed by mood and affective disorders in second place, and by psychoses, especially schizophrenic, in third place. Data pertaining to the period January 2000-March 2001 show that 40.13 per cent of patients admitted for stationary treatment were severe mental patients, especially schizophrenics, 31 per cent patients with neurotic, stress-related, and psychosomatic disorders, and 14.3 per cent patients suffering from organic cerebral disorders. Patients suffering from addiction to narcotics and alcohol accounted for 8.5 per cent. The psychiatric hospital Dr Laza Lazarevic has 700 beds, hospitalizes 4,500 patients a year, and carries out 200,000 examinations. Mental health disorders in the refugee population was seen to be on the increase.

According to World Health Organization figures, 1,600 persons commit suicide throughout the world every day. There were 33,526 suicides in Serbia and Montenegro between 1973 and 1996, most of them in Belgrade, Subotica, Novi Sad, Nis, Sombor, Kragujevac, Podgorica, Herceg Novi, and Bar. Viewed by nationality, most suicides occur among Hungarians (58 per 100,000 population), followed by Serbs, Croats, and Montenegrins. According to the Belgrade Bureau of Information and Statistics, there were 160 suicide cases - 107 men and 56 women - in Belgrade in January-November 1998, and 275 cases - 178 men and 97 women - in 1997, accounting for 30 per cent of all violent deaths that year. Five or six people attempt to commit suicide in Belgrade every week, and one or two of them succeed in doing so in a later attempt. Most people committed suicide by hanging (79) and shooting (67) themselves; the third largest group died of "undetermined causes"; and the sixth largest group (17) poisoned themselves with medicines and chemicals. In 1977, most men took their lives by shooting and hanging themselves, and women by hanging themselves or jumping from great heights. Nervous breakdowns were the most common cause of suicides, with family problems and lack of money being contributory factors. Failure at school or disillusionment in love were the most frequent cause of suicide among young people. The average age of suicides was fifty-two, most of them being between sixty and sixty-nine years old. Most suicides occurred at the middle of the week and in April, May, July, and November, and least in February, March, and September. In Belgrade, the municipalities of New Belgrade, Savski venac, Vozdovac, Palilula, and Cukarica had the largest number of suicides, and Sopot and Rakovica the least. The most numerous suicides by occupation were pensioners, who took their own lives because of destitution, small pensions, and inability to earn on the side, followed by housewives, office workers, students, and secondary-school pupils; although company directors were the least numerous group of suicides, they were the most frequent victims of murder. Suicides in prisons were relatively frequent: over twenty inmates of the Belgrade Central Prison had committed suicide in the last fifteen years, mostly by hanging themselves, severing veins, swallowing safety razors or broken glass, and even by swallowing their belts.

THE DEMOGRAPHIC SITUATION

The democratic situation in Serbia is characterized by a negative birth rate, referred to as the "white death", which threatens the biological extinction of the Serb people in 500 years. There were only 0.3 live births per marriage, the lowest figure in Europe. Whereas in 1952 there were 120,796 live births in Serbia proper and 40,590 in Vojvodina, in 1996 there were 60,927 in Serbia proper and 21,624 in Vojvodina, and in 1999 53,536 and 18,686 respectively. Also, there were 43,989 deaths in Serbia proper and 18,841 in Vojvodina, 69,218 and 29,152 respectively in 1966, and 72,173 and 29,271 respectively in 1999. Serbia lost more than 4,000,000 people in war during the twentieth century. In 1999, there were 198,000 officially registered abortions in Serbia, or more than 2,000,000 in the last twenty years. The FRY, Russia, and China had the most liberal abortion laws, there being on average 200,000 abortions in Serbia a year, meaning that for every ten women of child-bearing age one terminated her pregnancy each year. Russia alone had more abortions than Serbia. Research has shown that Serbian women are less psychologically affected by abortion than by the use of contraceptive pills or the spiral, and men were for the most part opposed to contraception. Insufficient knowledge of contraception and contraceptives, religious and traditional influence, and social and economic circumstances have disposed Serbian women against contraception to the extent that 50,000 a year of them terminate their pregnancy for a fourth time. These figures were presented at a discussion panel in Belgrade organized by the non-governmental organizations Women's Political Network and Friedrich Ebert.

INFECTIVE DISEASE EPIDEMICS

At the beginning of 2001 there was an epidemic of mumps in the northern part of the Gnjilane region. The paediatrician Dr Milorad Todorovic attributed it to the fact that there had been no vaccination of children against the disease for two years and appealed to international organizations to help suppress the epidemic. At the same time he protested against the decision of the United Nations and KFOR to withdraw their mobile clinics, which would leave the local Serbs without any health care. The region was also hit by an outbreak of the foot-and-mouth disease.

Experts from the regional office of the International Organization for Migrations (IOM) based in Rome put forward the initiative to carry out a regional programme to fight AIDS and visited Belgrade in February 2001 to make arrangements. They had contacts with the Ministry of Social Affairs, the United Nations, non-governmental organizations, the Centre for Anti-war Action, the Yugoslav Association to Fight AIDS and other experts in order to organize co-operation as best as possible. Dr Natalche Lozzi, psychotherapist and head of the IOM Department of Psychosocial and Cultural Integration in Rome, told a news conference that the anti-HIV programme had been launched for two reasons: to carry out a Balkans-wide programme to fight AIDS and to organize health education campaigns in Serbia, the BiH Federation, and Republika Srpska. He said he hoped that these initiatives would persuade international donors to provide funds to fight AIDS throughout the Balkans. The president of the Italian League for Fighting AIDS, Vittorio Agnleto, said the project was aimed at preventing an AIDS epidemic in the region and that 800 AIDS cases had been registered in Yugoslavia by June though the number of HIV positive persons was unknown. One of the organization's priorities would be to provide free AIDS tests for all because most could not afford such tests and 95 per cent of AIDS patients could not pay for treatment. As of this writing, 669 people have died of AIDS in Yugoslavia.

In February 2001 there was an epidemic of rabies in the municipality of Jagodina, the local veterinary station requesting the opinion of the Belgrade College of Veterinary Medicine following the examination of a rabid dog. Compulsory vaccination of cats and dogs had been imposed during a previous epidemic the year before.

The municipality of Kula was declared affected territory after cases of rabies had been detected in Ruski Krstur during February. After being attacked by one of her cats, a woman was transferred to the Pasteur Institute in Novi Sad, and all the animals in the yard were destroyed.

By decision of the republic's Veterinary Inspector General of 20 February 2001, the area of Kragujevac was declared contaminated with rabies after a three-year girl, Andjela Budimir, had been bitten by a rabid pit bull terrier. The inspector ordered the destruction of all stray cats and dogs, imposed a three-month ban on trade in and exhibition of cats and dogs, prohibited the sale of game meat, and forbade the taking out of the affected courtyard of all produce, materials and items by which rabies might spread. A spokesman for the Veterinary Specialist Institute of Kraljevo said in this connection that 3,061 stray dogs had been destroyed in Kragujevac in the past six years, 1,153 during 2000, and 121 since the beginning of February 2001. He said that veterinary inspectors had particular problems with owners of pit bull terriers, which were banned, because the owners possessed forged documents describing their dogs as Staffordshire terriers, which were not. As of this writing, no one has been fined in Serbia for keeping a pit bull terrier or walking

a dog without a leash and a muzzle. The residents of Kragujevac were outraged, demanding punishment for owners of aggressive dogs and announcing a petition to sack the entire municipal assembly.

February 2001 saw in Belgrade a flu epidemic with 1,065 newly-registered cases and the imposition of a ban to hospital visits. The virus responsible for the epidemic, "New Caledonia", spread across Serbia and affected mostly school children (70-80 per cent of all cases). The epidemic was first declared in Vojvodina. Between January 29 and February 11 there were 7,207 officially registered cases, of whom 5,039 school children, 1,275 actively working people, 334 people over sixty-five years of age, and 559 children under five.

There was a danger of more epidemics since vaccines against measles, mumps and Rubella (MMR) had been unavailable since June 2000 and two generations of children had not been inoculated. The representative of the Pharmacists Without Frontiers in south-east Europe, Jan Kormski, said that the Yugoslav authorities had not drawn attention to the problem by requesting medicines and that in future these vaccines would have priority treatment. The commercial director for south-east Europe of the British pharmaceutical company Glaxo, Roberto Musmezzi, said that the company would begin supplying Yugoslavia with MMR vaccines within the next six to eight months.

In June there was an outbreak of haemorrhagic fever in Kosovo and Metohija which affected forty-one and killed four people. It was feared that the fever might spread to Montenegro.

In August 2001 the Institute of Adult Care in Kragujevac reported an epidemic of syphilis, after fifty out of 180 patients had been found to be affected by primary or secondary syphilis. The sufferers were mentally retarded persons characterized by uncontrolled sexual promiscuity. The incidence of syphilis in Belgrade was three per 100,000 population.

Five people affected by syphilis were officially registered in the area of Ljubovija in October. The disease was believed to have been imported from Republika Srpska.

ECOLOGY

According to the director of the Serbian Health Care Institute, Dr Slobodan Tosovic, the NATO bombing of Yugoslavia contaminated air, ground, and water with harmful materials such as gaseous vinylchloride monomer and liquid ethylenedichloride. These materials are toxic and potentially cancerous especially if people swallow contaminated water. Tosovic said that the severely affected zones in Serbia included Pancevo, Novi Sad, Kragujevac (where there was a spillage of transformer oil), Bor, and Bogitovac. Some 120 localities in Kosovo and Metohija were contaminated with uranium.

On 5-10 March 2001, the Serbian Nature Protection Institute played host to a delegation of the world's largest organization for the protection of nature, IUCN. The guests were in Belgrade to help Serbia join IUCN programmes in south-east Europe.

SCIENTIFIC RESEARCH WORK

Scientific research work at Serbia's medical colleges during the previous decade was characterized by an overproduction of academic titles, lecturers, and research assistants on the one hand, and a devaluation of the quality of scientific work and of the institutions' reputation in general on the other. Political nepotism in the selection and appointment of medical college lecturers and research assistants, especially after the adoption of the University Law on 5 June 1998, the lightning promotion of prominent members of the former ruling coalition, and the appointment of assistant lecturers to head prestigious medical institutions in violation of medical and statutory provisions, were some of the anomalies taking place under the auspices and with the blessing of the former authorities.

The Faculty of Medicine in Belgrade came to be referred to as the "hard-core JUL bastion" because it was under the domination of such political heavyweights as Milovan Bojic, Momcilo Babic, Dragoljub Djokic, Milisav Cutovic, and Predrag Djordjevic. Between 5 June 1998 and 5 October 2000, the Faculty of Medicine employed 211 new lecturers and research assistants, incomparably far more than the number of new appointments at the other University of Belgrade faculties put together. Of the 211 new employees, five professors and ten visiting professors, two lecturers, fifteen senior lecturers, 121 assistant lecturers, and fifty-eight assistant lecturer trainees were first-time appointees and seven lecturers were taken over from other universities. With 937 research assistants and lecturers, the Faculty of Medicine became by far the largest faculty in Belgrade, nine times as large as the Faculty of Electrical Engineering and five times as large as the Faculty of Law. A number of lecturers and research assistants were appointed outside the usual procedure as a result of the enormous power wielded by the dean, the heads of department,

and the appointment commission members. Personnel matters were dealt with by a narrow circle comprising SPS and JUL members and their minions. As a rule, assistant lecturers should stay in the post for six, and professors and readers for five years before moving on, but some of the privileged cadres had lightning careers: Milovan Bojic, for instance, became senior lecturer without ever serving as assistant lecturer and was promoted to reader after only three or four months and to professor after 1.2 years in office. Momcilo Babic, the former high-ranking SPS official, was also appointed as senior lecturer in 1998 without ever having been an assistant lecturer, and was promoted to professor only two years later. Dragoljub Djokic, a senior JUL official, became professor within two years.

Politically fit and privileged lecturers sat on numerous reference and appraisal commissions on the basis of whose verdicts promotion decisions were made. Thus Bojic took part in the selection of eighteen lecturers and research assistants in a field lying outside his competence. For this reason, the new Minister of Education, Gaso Knezevic, initiated a commission to revise all appointment decisions taken at the Belgrade Faculty of Medicine between 5 June 1998 and 5 October 2000. The commission found, among other things, that Bojic as former minister of health had as many published works as 650. Among the first to be expelled from the faculty at the initiative of the Ministry of Education was the former high-ranking JUL official, Milisav Cutovic. The change of government on 5 October 2000 brought no substantial change in scientific research work relations and practice, i.e. such changes as were made fell short of creating the conditions for creative goal achievement. The accumulated problems at the Faculty of Medicine not only proved too difficult to solve by the faculty itself, but deeply undermined the very foundations of the University of Belgrade and of the society as a whole.

One of the anomalies of Serbia's health care sector was reflected by the privileged status of faculty lecturers relative to their other colleagues. An academic title, especially that of a faculty lecturer, were considered as an advantage automatically leading to a senior appointment and a successful career. The privileges also enabled some to earn two wages and two annual holidays simultaneously and to be entrusted with positions of authority. In the majority of cases, involvement in scientific research work and in educational work with students as a basic activity did not carry much weight. Amid longstanding general impoverishment, objective possibilities for quality scientific research work became increasingly narrow. The erosion of moral and ethical values characteristic of the previous decade encouraged a disparaging and frivolous attitude to scientific research and pedagogical work; academic titles were churned out on the basis of falsified results or data reflecting no substantial scientific contribution and serving merely to facilitate promotion and acquire privileges. Knowledge was not subjected to test and arbitration, the principle of theory based on evidence having long been abandoned in domestic science. A pseudo-elite with characteristic behaviour patterns and sets of values thus created had become untouchable over time.

The Serbian Medical Association (SLD) as the professional association of Serbian doctors was instrumentalized by the ruling parties in the previous ten years under the former regime, as well as during the decades of Communist rule. The SLD's deepest crisis and longest period of inaction coincided with the expansion of the JUL. The passivity of the organization and the silence of most of its members were glaringly at variance with the humane and ethical principles of the medical profession. On the other hand, a number of doctors who served the parties in power and appeared infected with the "politics virus" took more care to amass functions than to further the profession, behaving as though they were entitled to positions of authority. After 5 October 2000, the centre stage was wrested by a group of doctors who belonged to the Doctors' and Pharmacists' Trade Union and who had made a contribution to ousting the former regime, but they went to excesses in their "revolutionary fervour". At the beginning of October, Professor Dr Jovan Maric, Dr Bosko Jovicevic, Dr Radmilo Roncevic, Dr Nikola Zelenovic and Dr Milan Radonjic "stormed" the SLD although there was no need for them to do that, for the SLD was at the time a harmless and passive organization drugged to sleep by the former regime. The group, led by Maric, hastily set up a new provisional leadership and then organized an assembly of the Belgrade branch; their attempt to push through some candidates raised the question of procedural regularity. The beginning of 2001, the year coinciding with the 130th anniversary of the SLD, found the organization in disarray, tottering under infighting and torn by predominantly political clashes that culminated in the first days of April. The SLD had held a nominating assembly on March 23 with the object of electing a new politically independent Representative Body that would strive to promote the medical science. Following an acrimonious discussion, the gathering ruled that twelve of the SLD Belgrade branch delegates were not legitimate. The Belgrade branch organized a second vote and elected other delegates; those who had been elected at the first ballot, and who belonged to the Doctors' and Pharmacists' Trade Union, challenged the procedure and threatened or took court action. They broke into the SLD building on George Washington Street on three

occasions, trying in vain to seize the organization's stamp and letterhead. The incidents were followed by a news conference at which the SLD membership presented counter-arguments. At its first closed session, held in the Faculty of Medicine Registrar's Office on April 18, the SLD elected its new leadership. The delegates from all over Serbia elected by majority vote Professor Dr Zoran Ivankovic of the Clinical Hospital of Zvezdara as president; Dr Miljko Pejic of Uzice and Professor Dr Branimir Guduric of Novi Sad, who is president of the Vojvodina Medical Association, were elected vice-presidents; Head Doctor Dr Visoslav Hadzitanovic, who chairs the Serbian Private Medical Chamber, was elected secretary. However, the Faculty of Medicine dean, Professor Apostolski, was sharply reprimanded by Minister Joksimovic for permitting the gathering to be held in the Registrar's Office.

REFORMS

The first information on a draft new law on health care and the initial critical reaction by the Centre for Liberal-Democratic Studies reached the public in March 2001. The need for reform had already been stressed in first comprehensive analyses of the health care sector. It was found that reforms in this sphere called for changes in health care policy and in health care institutions, their organizational structure and management. Reforms would aim at greater effectiveness of the health care system, equality of access to health services and their financing, commercial and investment feasibility of the health care system, acceptability of such a system for beneficiaries and service providers, and improved quality of health work. This could be achieved by streamlining the Ministry of Health and decentralizing the health care system, innovating financing by shifting part of the costs on to health care beneficiaries, encouraging competition between the public and private sectors, and supporting private health care providers. Health care reform would depend on reforming the entire socio-economic system following the setting up of democratic institutions and democratizing society. To this end, timely and reliable information as a basis for decision-making, management, planning, monitoring and evaluation of changes is a key precondition of health care reform.

A reformed health care system should retain the compulsory health insurance system (the Bismarck model) because it is the best during the transition phase. Along with this, one should create the conditions for introducing non-compulsory private health insurance operating on the principle of financial management, as well as help the Republican Bureau for Health Insurance to become economically feasible and give its branches greater autonomy. A reformed health care system must clearly define the scope and content of the health care services to be financed through health insurance while taking account of all the elements of a package of health services encompassing personnel, space, equipment, diagnostic support, medicines, medical materials, and organizational-managerial structure.

The World Bank has estimated that the costs of such a minimum package of health services would come to 22 USD, of which one-third would account for public health care services and the remaining two-thirds for basic clinical services. Institutional changes in the health care system involve fundamental changes in primary health care, hospital health care, and highly-specialized health care. In primary health care it is necessary to institute the family doctor who would look after 1,500 to 2,000 electing to be his patients for at least a year. Private doctors would be allowed to compete for a list of such patients and to contract for their treatment covered by insurance under equal terms. In the sphere of stomatological health care, insurance would cover only preventive care and emergencies, all other services being entrusted to the private sector. In hospital health care it would be necessary to reallocate in-patient institutions so as to ensure five beds for every 1,000 citizens, as well as to substitute home and day hospital treatment for expensive hospital treatment.

It has been suggested to introduce additional health insurance and to place private and public medical practice on an equal footing. For every proposed hospital institutional model, it would be necessary to lay down the necessary personnel changes, hospitalization criteria, and diagnosis and therapy protocols. Tertiary highly-specialized health care should be provided by existing capacity in Belgrade, Novi Sad, Nis, and Kragujevac, after analysing the needs of, and possible allocation of work between, the clinical hospital centres.

Successful reform presupposes consensus between recipients and providers of health care services and appropriate legislation on health care, health insurance, the Medical Association, and health care system ownership transformation. The reform process should evolve in stages with the participation of expert teams and the backing of good information infrastructure. The Ministry of Health's task would be to ensure at least 100 USD per capita for the Health Care Fund in the foreseeable future. The health care reform document would be framed by a team of independent experts in collaboration with the Alternatives Study Centre before being submitted to

the republican Ministry of Health and to other political factors whose consent is necessary to launch reform. The proposed arrangements are in conformity with the practice of EU member states and the conditions of international institutions, due account having been taken of domestic budgetary, personnel, and institutional limitations. The authors of the reform project have warned that there would be a substantial cut in services financed through health insurance in order to conform to the conditions set by international institutions.

There is also a growing realization that it is necessary to introduce management in the domain of health care to make better use of the existing resources. Dr Predrag Micovic, UN special peace and development adviser and author of the book *Menadzment zdravstvenog sistema* (health care system management), promoted by the International Press Centre in Belgrade in March 2001, is of the opinion that a complete analysis of the state of the health care system must first be made and the priority problems identified before focusing the funds, know-how, and experience on problem solution. Micovic's recommendation is to make the greatest use of the sector's main resource: personnel, professionals, their ability, knowledge, experience, motivation, skills. The medical faculties should aim at producing "five-star doctors", i.e. doctors who are competent diagnosticians and therapists, skilful communicators, good team-leaders, and efficient managers. An important aspect of reform in this connection will be to reduce the number of students attending medical faculties and to plan access to consultancy and sub-consultancy training. According to the new dean of the Belgrade Faculty of Medicine, Professor Apostolski, one of the tasks will be to provide the same quality of instruction at all medical faculties in Serbia to discourage students from wanting to study in the big centres at all costs.

Compulsory retirement of doctors at sixty-five years has also been announced as part of the reform package.

The reform of the health care system is expected to improve the quality of health care services and to put an end to corruption.

University

Some 18 months after the political turnaround University is still surviving, hibernating and awaiting the new act on university. On the academic level there's a status quo although many say: "Now we breathe easily and can speak up". On this level openly discussed was/is also the evident corruption.

At the panel discussion "University today: Have we changed?" many bleak and well-founded diagnosis were heard: University has not changed after the political turnaround, on the contrary apathy reigns supreme in its premises, paradoxically enough University is participating less in social events. Brain drain of educated young people continues.

It is difficult to say why the new University Bill, to be soon discussed by the Serbian Parliament, took such a long time in the making....In its drafting too many factors were involved, university, institutes, ministries of education, science and technology, finances, government, Prime Minister...

Education Ministry is yet to come to grips with the inherited problems or the legacy of the past regime: lack of funds, obsolete programs, inexpert personnel, outdated and poorly equipped laboratories, etc. It also has to face the fact that faculties are still parking-lots for the young who cannot find jobs. Students spend an average of 7-8 years at faculties. According to professor Dr. Ljubisa Rajic, a comprehensive reform must be preceded by an equally comprehensive purge or "a number of inapt professors and other educational professionals must be dismissed. University is threatened by conformity of a silent majority of very average educational professionals: they are in fact against any changes, for the latter entail hard work. They are against both internal and external evaluation. No law, or governmental decree may change the status quo: university must change from the inside, it must make a clean break with the practice of collective conformity and corruption".

Those who during the Milosevic administration were principal destroyers of autonomy of university, should leave it. Some old professors have been reinstated. However the majority of professors who backed Milosevic's regime, took part in writing of "Memorandum" or supported it, engaged in war-mongering and in Milosevic-masterminded purge of "incompatible professors," and did not protest against roughing up of students, have retained their university positions. Most notorious among them are Marojevic, Antic, Vojislav Seselj, Ivkovic and Stambuk. Hold-overs are also those who spearheaded "disciplining" of university and engaged bodyguards to keep at bay seditious students and their fellow-professors. Financial wrongdoing of the former key professors

was covered up under the pretext that the most important thing is to "preserve and consolidate University".

Some professors are indeed embittered. Dr. Ksenija Petovar, a sociologist from the Faculty for Architecture says: "Why should we forget everything? When I see some of Milosevic" stooges walking calmly along the university corridors I think that we are all suffering from collective amnesia". She thinks that, for starters, the names of those who had ordered beating up of students should be disclosed. She believes that after a public debate on the past developments on some faculties, some professors could no longer hide behind the "collective responsibility" pretext and would think twice before ever again obeying similar orders. She underlines that decrees and laws are not necessary in all instances: personal responsibility and moral integrity are a matter of every individual. Dr. Petovar thinks: "If we want to become a civic society, then we must develop feelings of individual responsibility. And we mustn't resort to retaliation".

Dr. Bozidar Ivkovic, the Science Minister during the Milosevic Administration, and a professor of the Civil Engineering Faculty, did not try to stop massive roughing up of students, though he knew well the identity of hooligans at faculties and in his municipality of VraCar.

Thanks to presence of Dean Aleksandar Kekovic during the raid on the Architectonic Faculty the bloodshed was avoided. A group of professors, including Professor Dr. Ksenija Petovar, filed charges against unidentified hooligans.

Expectations that the compromised University Act (1999) would be replaced by a new one including a lustration provision have not been met. Radmilo Marojevic, a dean remembered for his arrogance and brutality, a man who dismissed some of our most prominent experts, harassed other educational professionals and ordered beatings up of students (the case of professor Ranko Bugarski), has returned to the Philological Faculty.

Oliver Antic, a former dean of the Law Faculty, is still active. Antic, the man who dismissed 15 top professors, still holds court at the sessions of the Educational Council of this faculty. Thanks to legal blunders of the experts of the Law Faculty, Vojislav Seselj, is still a professor of the Belgrade Law Faculty. In the meantime the Supreme Court of Serbia revised decisions of the Belgrade District Court and reinstated professors Vladimir Vodinelic, Vesna Rakic-Vodinelic, and Goran Svilanovic.

Sometime ago Dr. Vladana Likar-Smiljanic, one of the seditious professors banned from entering the Electrical Engineering Faculty by dean Vlada Teodosic, stated that "some individuals should assume responsibility for harassment and beatings of faculty's professors and students, for lowered level of lectures, for massive brain drain of the top EEF professors and students". She gave a public statement that she would accuse of betrayal of national interests and have the former High Education Minister, the former Science Minister, former rectors, former pro-rectors, a number of former deans, a number of former members of Management Boards and a number of professors and assistants, former high-ranking stooges of the ruling parties, for example Uros Suvakovic, an *eminence gris* of the Electrical Engineering Faculty, arrested".

It seems that the majority of professors opted for the least-resistance line and for moral amnesty. Hence a nice farewell party occasioned on the day of retirement of the notorious dean Vlada Teodosic in the face of the fact that the EEF has filed a lawsuit against him for embezzlement of DM 180,000, used for various "security measures", notably hiring the services of various "bodyguards".

During the Laban-Teodosic rule Electrical Engineering Faculty was abandoned by 97 professors, assistants and other educational professionals. Some professors of the Belgrade Medical Faculty bragged that they were the first faculty to effect a genuine lustration, in the immediate aftermath of 5 October coup, namely former key members of the Management Board of the said faculty, members of the SPS and the AYL, were banned from putting up their candidacy for top management positions at the next elections. During the "rule" of Dean (Dr. Milovan) Bojic the Medical Faculty went to near ruin. This hugely ambitious AYL member used the Faculty to promote himself and his fellow-AYL doctors. When in the post-5 October period some "raw" data on his wrongdoing leaked, the process of lustration was cut short until promulgation of the new University Act.

Dr. Milovan Bojic is still officially employed by the Medical Faculty thanks to his MP status. In the meantime the Public Prosecutor launched investigation against M.Bojic, former Vice Prime Minister of Serbia and Health Minister on grounds of "blatant abuse of his official position". But Bojic is still protected by his MP immunity.

The new University Act shall contain the lustration provision. But it seems that with or without the said Act, the University alike the whole society does not have either the strength or will-power to square up to past and engage in a massive overhaul. Prof. Dr. Vesna Rakic-Vodinelic assesses: "one gets the impression that both the republican and federal government lack the political will to shake up, reform, modernise and democratise legislature. This regime

should have introduced the rule of law and unfolded its activities within it. Unfortunately there is no genuine facing, nor a clean break with the past: evil-mongers and doers, as they are still very much present in the public scene. A parade-like founding of the Truth Commission is just a smoke-screen: there must be rules, there must be laws providing for holding to account individuals for their criminal and other offences”.

The New-Old Cleric Fascism

In absence of a radical overhaul of high-education institutions nationalists and chauvinists started rearing their ugly heads anew. At the Belgrade Faculty of Philosophy the "Obraz" Movement writes fascist slogans on walls of corridors and classrooms, and panel-discussions staged by Association "Sveti Justin Filozof" are being held. Priest Sava is the principal speaker at those non-academic panel discussions, and those in attendance enthuse over his hate speech.

Dr. Mladen Lazic, Professor of this Faculty, in his response to the reluctance of Professor Rados Ljustic to admit his role in organisation of those panel discussions, writes: "In my wildest dreams I could not imagine that the Philosophical Faculty would be one of prime movers of the clerical-fascist trends in Serbia" (*Danas*, 16 July 2001). On the other hand Professor Lazic also maintains that Professor Ljustic, and not students of sociology and philosophy, is behind the letter "Neo-Nazis at the Philosophical Faculty". Ljustic in fact writes an ode to the Right and argues that the new conflict was caused by abolition of Marxism.

Members of "Obraz" Movement are also active at the Philological Faculty. In late 2001 they staged the First Assembly of the Orthodox-National Youth at the Belgrade University after 1944. Participants in the Assembly were members of society "Sveti Justin Filozof", Serbian Assembly "Dveri", and the SOC priests. Rade Bozovic, the Dean of the Philological Faculty, backed hate speech which permeated all addresses heard at this assembly, those on the Orthodox religion, nationalism, anti-Communism, anti-globalisation. Monarchy. However most emphasised was the "Spiritual vertical of the Serb history and Serb people". The rally underlined the spiritual authority of Justin Popovic and Nikolaj Velimirovic and urged creation of the Serb state in line with their ideas. There were many priests and also girls dressed in Serb folk-costumes. The Assembly also called on reconciliation between followers of Ljotic, Nedic, Draza Mihajlovic, and dissemination of their ideas in schools.

But only several professors of this faculty condemned that Assembly. It also bears stressing that there were no public and academic reactions to the message on the "Obraz" web site, which according to Professor Dr. Ljubisa Rajic: "re-hashes old ideas of Serb fascism, which attach primary importance to assembly-making, monarchy, clericalism, conservatism, and patriarchal culture. Moreover those ideas are currently openly espoused by contemporary ideologues of Serb nationalism, the far-right parties and some SOC priests”.

300-400 students took part in the Assembly, which is a minor figure compared to a total of 70,000-80,000 students enrolled at the Belgrade University. But the majority is quiet and apathetic, while this aggressive minority propagates hate speech and religious and national intolerance. The Assembly was backed by the nationalistic parties the SOC, Association of Writers of Serbia, but also by the management of the Philological Faculty. From the rostrum of conference hall no. 11 of the Philological Faculty, religious and other intolerance was spread. The Public Prosecutor failed to react to such hate speech and the ruling DOS coalition glossed over the fact that the Assembly branded "multi-party system and parliamentary democracy as the fundamental evil of contemporary society”.

University should have immediately reacted to the said manifestation of hate speech, and to the one in cinema "Rex" during panel-discussion with the French philosopher Bernard Henry-Levy. On the other hand all manifestations organised by the Crown Prince Aleksandar Karadjordjevic and the SOC have been attended by university dignitaries.

University failed to react to introduction of religious education in the primary and secondary school curricula by the republican decree. That decree was a blatant violation of the democratic procedure and was not even greenlighted by the Education Ministry. Only some university professors publicly criticised that decision. It bears stressing that University and academic community have not reacted to other governmental decisions which had a major impact on vital issues of this society.

Severed ties

The Belgrade University once had co-operation contracts with 160 universities in the world. Then, during the Milosevic Administration that co-operation was down-scaled to contacts

with universities in Russia-Belorus and China. Then only 10 contracts on international co-operation remained in place.

After the 5 October turnaround things changed for the better on that level too. To date new 50 contracts on co-operation with European universities and academic institutions in China and Japan were signed. Co-operation with the US universities is yet to be normalised, as our universities are still on the US official black list. The US Administration bans the public universities from re-establishing ties with the Serb universities.

But many European countries, Italy, Austria, Germany, France, Spain, Norway and Sweden are sending positive signals. Italy and Austria played in major role in re-establishment of a systematic co-operation with the Belgrade University.

Co-operation covers joint projects, exchange of experts and drawing up of joint studies-programs. During his recent visit to Yugoslavia Italian President Ciampi promoted graduate studies co-operation between the Rome-based University La Sapienza and the Belgrade and Sarajevo University. The first-year of studies would unfold in Belgrade or in Sarajevo respectively, but the second, final one, would unfold in Rome. Diplomas, recognised by all EU member-countries, would be signed by all three rectors. Belgrade has been chosen as a regional centre of those studies, which means that students from Rumania, Bulgaria, Macedonia and Albania could study here.

As ten years ago Yugoslavia was eliminated from the Tempus Project; it is now trying to catch up with its programs. It applied for 20 projects, and at least half of them are likely to be approved.

The EU is sending positive signals as to admission of our Universities to the Framework Project with budget over 20 million EUROs. This project serves to finance scientific projects of EU countries and associated members. As the aforementioned Project foresees purchase of capital equipment, if Yugoslavia is admitted, obsolete equipment at our faculties and universities would be replaced with the state-of-the-art one.

Serbia also stands a good chance of being admitted to the INCO Copernicus Program covering ecological, health, health food and war-effects recovery programs.

A special CEPUS program embracing over 100 projects covers also exchange of students and professors. But there are serious logistical problems: Serbia does not have funds to provide for accommodation, food and pocket money for foreign students and professors. For the student-oriented programs Serbia has not qualified for they are envisaged only for the prospective EU candidates.

Academic network can latch on the world only if contemporary literature is provided or read via Internet. And the information network remains a snag. Pro-rector of the Belgrade University, Bogdan Djuricic says that Serbia "simply does not have the high-capacity network for electronic communication". There's the EU good-will to fund installation thereof, but due to high costs of the project Sin-Yu Serbia has been put on the waiting list.

Prior to admission to the EU programs a harmonisation between the Serbian high-school institutions and legislation and the European ones is required. The issue of management of universities must be tackled too, for the Belgrade university in terms of personnel and structure is some 15 years behind the European standards.

There is an ongoing self-examination at the Belgrade University. Faculties are trying to look into both their shortcomings and advantages, what to retain and what to drastically change. Then, in the next stage a team of foreign experts shall also assist in that process. By the end of the year this important task shall be completed.

Pro-rector of the Belgrade University Dr. Bogdan Djuricic says that "no-one has operationalised the European formula of 3+2m, that is, shortened the studies to three years and then 2 years of graduate studies. Moreover the University does not have a legal framework for such radical changes".

The course of key academic changes shall be monitored by a team of international experts, making up an institution called *Magna Carta Opsevatorium*. Changes in Croatia did not get a good mark: the aforementioned team thought that the role of the state in Croatia was overemphasised, contrary to the Bologna Convention. Prof. Djuricic assesses that in Serbia etatist trends are on the rise. He also thinks that the University should be autonomous, but also very responsible.

Some academic strata think that self-examination is not compatible with autonomy, for it means that "in practice educational professionals tend to give high marks to the work performed by their colleagues, out of sheer solidarity". Both the founder and the university itself should take care of quality: independent evaluation in line with international standards is necessary.

One cannot expect that the impoverished and devastated university would be able to express its vision and mission when such trends don't exist in the broader social environment.

Moreover communication between the Belgrade University and Ministry of Education is not good. Both institutions make parallel, but not joint moves, which leads to squandering of resources.

The Belgrade University is convinced that the Ministry of Education treats it as an object, and not the subject of reform. According to pro-rector Dr. Bogdan Djuricic, there is a critical mass ready for changes at the university, but it is excluded from the process of drawing up strategic plans. They have for example accidentally heard of the donors conference on the high education and presentation of several projects likely to be subsidised. At the heart of this academic rift along the line Ministry of Education of Serbia-the Belgrade University are conceptual and personal differences. Pro-rector Dr. Bogdan Djuricic thinks that "the rectors" board considers that the reform of university is necessary and that the University should be one of the subjects of that reform: university is an institution of national significance, and the imminent changes should aim at strengthening that institution".

Financial standing of university is still its Achilles' heel: the new, reform-minded government despite its verbal emphasis on the importance of education, has done little in practical terms to alleviate the poverty on this level. Major donations are not expected. Experts of the World Bank don't think that high education-contrary to the primary and secondary one-belong to the sphere of human rights, but consider it the matter of state, market, and competition...

Professor of the Belgrade Faculty of Economics, Milic Milovanovic, thinks that "the high education, through tuition, should cover all the costs, and redistribution of wealth from the rich to the poor through so-called gratis education should be discontinued. All members of this community are paying taxes from which the state-run university is financed, but the latter's "services" are mostly used by children from the affluent, middle-class or rich families. All students should pay tuition, although some could be granted stimulating loans, to be written off in line with the success they achieve during their studies".

But it bears mentioning that the non-selective enrolment of self-financing students led to erosion of high-school education and lowering of academic standards. Moreover it led to the following phenomenon: faculties' revenues grew increasingly dependant on the number of students. Thus some faculties are not in the position to buy basic equipment and teaching aids, while, others, which don't need them, boast large revenues. That is why pays of professors vary from faculty to faculty, which is not justifiable on any ground. All the aforementioned indicates that a joint financial policy should be pursued at the level of university, although the best experts and educational professionals should be financially stimulated.

Private education

In the past decade private education institutions and even some private universities have been opened. But only few enjoy good reputation. Many employ professors which are nor highly estimated by academic circles, lectures are of an inferior quality, exams are easy and students pay high tuition. Moreover some of those private universities are headed by Milosevic's stooges or promoters of his regime. One daily recently ran a veritable eulogy to a private university, pompously named "European University for International Management". Many seem to have forgotten that Dr. Mirjana Markovic enjoyed a special status of *professor emeritus* at that university, and that she was much-praised on all occasions by the founder, owner, and rector of that university, Dr. Milija ZeCevic. But the fact remains, that some prominent professors, in a bid to boost their finances, joined the aforementioned institutions and thus gave them legitimacy.

Many at the Belgrade University are disgruntled and disappointed by a special treatment accorded to the AAOM: an alternate education network which was accorded the status of an alternate university. Director of AAOM Professor Dr. Slobodanka Turajlic is also the Assistant Education Minister. But she seems to disregard the conflict of interests. Some at the Belgrade University say that the Austrian government granted DM 1,5 million through the program World Yu Service to Universities in Belgrade, Novi Sad, Kragujevac and Nis, before 5 October, when the only possible partner, due to the then circumstances, was AOOM. But even after the political changeover AOOM remained the only allegedly "favoured" partner. On the one side five universities, and on the other side-AOOM. 156 scholarships were granted under this program, and if there were a just distribution it would mean that each faculty in Serbia would get two. But due to the "favoured" status of AOOM, which has only 150 students, it was accorded -20 scholarships. But thanks to a stormy reaction of the Belgrade University, all other universities in Serbia have been officially proclaimed the third partner in the program.

It also bears stressing that the money given by the Open Society Fund, UNESCO and other institutions has been "collected" by the Education Ministry. But that Ministry failed to invite universities to take part in distribution of those assets, and instead announced a competition. Priority was allegedly given to the members of the Student's Union.

University was not invited to the donors' conference on the reform of the high education, but the Students' Union was. The Belgrade University staff says it is good that students are included in the process of overhaul, but stress that the university proper should also be a key player in that process.

To all objections that university is at the same asking money from the state and an absolute autonomy, pro-rector Djuricic responds: "We shall get off their budget, if we are given back our legacies".

Minorities and new authorities

Problems of minorities are still unrecognised by Serbian society. Serb society turns a blind eye to obvious evidence of poor status of minorities. Zarko KoraC, Vice Prime Minister of Serbia, stressed that "minorities-related problems are sidelined in the political arena, while politicians endeavour to additionally marginalise it" (*Danas*, 9 November 2001).

In a bid to garner support of minorities, DOS advocated equality of minorities in the pre-election campaign. But later, no major improvement in minorities' status was reported, barring some occasional statements on the need for "positive discrimination". Such a stalemate is due to the fact that the federal government, under whose competence the minorities-related issues are, still persists in the state concept characterised by very vague notions about minorities.

Change of political mood after Milosevic repression-riddled era contributed to more open claims of minorities and more extensive coverage of their problems. Principled advocacy of minorities rights and improved status created the impression that the situation would change for the better. But not much has happened in this regard, despite the fact that the Act on Minorities was placed on the parliamentary agenda. On adoption of this Act hinges FRY admission to the Council of Europe. Nationalism of the majority, xenophobia, anti-Semitism and across-the-board radicalisation of society have not contributed to the shift in positions on minorities. The opinion prevails that their status is satisfactory and in line with European norms. Therefore some other problems are prioritised.

Milosevic's regime often reiterated that minorities in the FRY enjoyed all rights and freedoms in keeping with the highest international standards. But it was a fallacy. Any attempt of minorities to improve their status was therefore considered as their bid to create a state within a state. Thus all pertinent claims of minorities organisations and members were met with suspicions.

Even in the changed political scene minorities are still viewed with suspicion. The latter is likely to persist, as it relies heavily on the inherited political culture. In the set of values of the Serbian political culture human rights rank very low. Serbian, so-called "heroic culture" gives priority to "external freedom" and it easily mobilises people to put up a stiff resistance to foreign occupiers. On the other hand that culture is not able to encourage public at large to stand up for its civil rights, and moreover vilifies individual human rights as selfish and sick individualism. That culture also tends to find hidden separatist motives and aspirations in claims of national minorities. Serbian culture tends to view "minorities" as "a foreign, guest-like element", which is duty-bound to respect house order, to respect "hospitality" and stop irritating "host" with its demands.

Announced full integration of national minorities into political and social life of the country was denied symbolically. Proposal of new state symbols (coat of arms, and national anthem) was met with public protests. In its communique Sandzak Intellectual Circle assessed that the choice of "Boze pravde" as the national anthem of the Republic of Serbia was anti-constitutional and contrary to principles on which the Republic of Serbia rests. "That anthem is unlikely to rally all citizens and members of all nations and nationalities and integrate them into an equitable, democratic and legal state..." "The Republic of Serbia is a multi-national state of all peoples who live in it, and not only of Serb people....therefore the words "God save, God feed, the Serb king, the Serb nation", sound obsolete". The communique furthermore reads: "Does it mean that non-Serbs don't deserve God's mercy?"¹

Similar assessments were voiced regarding the newly adopted Act on State and Other Holidays which equalised the state and religious holidays. Such a conduct may undermine loyalty of minorities, for members of minorities shall see in the state the instrument of a dominant national group.

Out of sheer need to underline their break with the former regime, parts of political elite in Serbia turned to religion and tradition in their quest for beacons of future arrangement of the system. One of most manifest expressions of the above was the introduction of religious education

in schools, and attempts of church to take on the role of the key national institution in order to lead the nation towards the spiritual recovery. One should bear in mind the fact that citizens of Serbia, that is, members of national minorities voted for a clean break with a corrupt and criminalised regime, but not for a break with modern, rational achievements of Serb society, notably secularisation.

The fact that the Orthodox Church currently penetrates into schools, hospitals, garrisons, diplomatic offices, speaks not only about clericalisation of society but also of defensive and weaknesses of liberal, reformist and modernising forces. In view of the manifested weaknesses of those forces-according to data presented at the expert meeting of psychologists of Serbia, held in mid-2001 in Subotica, as many as 24% of citizens of Serbia think that the state should be both ethnically cleansed but also that Serbs in that state should enjoy more rights than others 2- it is quite naïve to expect that the Serbian Orthodox Church in its ambitions could be benign towards individualistic and liberal concepts; its ambitions are more likely to encourage emergence of diverse right-wing, religious-nationalistic groups. Such groups which either explain their activities by their "mission to save authentic Christianity and Orthodox religion" or by their "protection of most vital national and state interests", cause fear and concern, notably among minorities, for they, like the "Serb left-wing parties" openly identify "Muslims, Hungarians, Albanians, Romany and Jews", as "enemies and destroyers of the Serb people".³

But this does not exhaust the list of enemies of Serb people. 4 The latter was frequently expanded by diverse personalities to include Ustashi, pro-Turkish elements, traitors, gays, people of different religious denominations. All this indicates that construction of enemies is very important for a large part of Serbian public opinion, notably, for the sake of homogenisation and successful defence of national interests. The fact that the Serb political elite does not have a uniform answer to the question what its genuine national interest is, causes occasional friction and tension among its ranks. Irrespective of character of those conflicts (sometimes they are conflicts between opponents and advocates of reforms, and sometimes between legalists and revolutionaries) conflicting sides try to garner support of political representatives of minorities, who in turn, render it or deny it in a bid to capitalise on Belgrade's financial dependence on Brussels and Washington.

While nationalism encouraged extremism, "democratic nationalism" currently advocates multiculturalism, respect of other cultures, but also insists on their differences. The blaze caused by attempts to round ethnically clean areas was replaced by a dying fire of cultural strife and concern for preservation of language and alphabet. "Democratic nationalists" think that under-representation of Cyrillics in advertisements is tantamount to renouncing ten-centuries of cultural legacy, and de-construction of everything Serbian. Therefore they stiffly oppose official re-introduction of Latin alphabet. 5 Where democrats see freedom of choice, "democratic nationalists" see no dilemma: Those who renounce their language and alphabet do not deserve to live! 6

Attempts to promote nationalism as a "democratic" that is, "a human achievement", 7 are in fact attempts to rehabilitate nationalists from evil which was committed in the name of lofty national ideals. Results of this double strategy, democracy for foreigners, and nationalism for domestic, local use, became evident fairly quickly, as after the October coup members of minorities became frequently victims of incidents. 8 Nationalists targeted not only anonymous persons, but also public figures, like Jozef Kasa 9 Vice Prime Minister of Serbian government and President of Alliance of Vojvodina Hungarians or Bela Tonkovic, 10 Vice President of Assembly of Municipality of Subotica and President of Democratic Alliance of Croats of Vojvodina. The first one received an e-mailed threat that he would be hanged on Terazije in Belgrade, while the second one was called "the Serb-torturing Ustashi". Nedžad Haliti, Vice President of BeoCin Municipal Committee of Reformists of Vojvodina and his son Alija were attacked by a criminal gang who also demolished their patisserie. 11 Asan Dauti and his son Bekim were first beaten by seven thugs and then told to leave Sremska Mitrovica. 12 In mid-June, Mihalj KoCis, director of elementary school "Grof Istvan SeCenji" was beaten up at a petrol station, because he changed the name of his Subotica school. 13 Zvezdara policemen beat up 18-year old Romany Miroslav Milic in order to make him confess theft committed in the flat of his girlfriend. 14 Policemen from BaCka Palanka beat up Sasa Gojkov and Stevan Brancic in a bid to extort from them confession that they had burglarised a house in village Bajsa. 15 28-year old Cuci Nikolic was beaten up in late night hours of 3 February because of his love of a "white girl". He was taken by four youngsters to a house on the outskirts of Kovin, placed in a prison-like basement and beaten up incessantly. 16 In March a group of skinheads armed with baseball bats, stones and poles, attacked a group of Romany who were seeing off their fellow-national to his army garrison. 17 In late May, in late night hours a group of 5-6 masked persons, armed with poles and baseball bats, arrived in front of the house of Zoran Jovanovic, a municipal court judge in Stara Pazova, in order to "punish" him. In order to

protect his family Jovanovic walked into the courtyard with a gun in his hand, and in the ensuing altercation, he tripped, his gun fired, and he inflicted himself a wound in the leg. 18

In late May the Committee for Protection of Human Rights of Romany protested against "increasing incidents against Romany and a blatant breach of Romany human rights". Miroslav Jovanovic, President of the Committee, stated that "burial of Romany is banned at the Serbian cemeteries in South of Republic, in Novi Pazar Romany settlements are torched and in Leskovac Serbian children are not allowed to enrol at schools in which Romany children make up the majority of pupils".¹⁹ Dragoslav Savic, President of the Raska Committee for Human Rights of Romany, stated that in the area Romany human rights have been trampled upon for decades by those who should protect them, notably authorities and policemen. Regarding the last incident during which a policeman in plainclothes beat up Drako Savic and forced him to kiss his legs and ask for mercy, Savic said: "If this state thinks that Romany don't deserve to live here and that they don't have the right to life, then we shall leave this area and country".²⁰

At a meeting of Romany NGOs in Kragujevac it was stressed that Romany children are maltreated, harassed and belittled, and that educational professionals even try to compel them to drop out of schools. A special problem is wrong categorising of Romany children, who are sent to special schools or enrolled at classes for demented children, although they are not mentally, but rather socially handicapped.²¹

International Day of Struggle against Fascism, Anti-Semitism and Anti-Romany, 9 November, was a good occasion to once again indicate unfavourable status of Romany, notably of displaced Romany from Kosovo and Jews, who are also targeted by extremists. It is interesting to note that although the Jewish community in Serbia is rather small and their place in social structure not very high (according to Aca Singer, President of Association of Jewish Communities), anti-Semitism nonetheless escalates.²² There's a growing number of anti-Semitic graffiti in Belgrade, and even in some Vojvodina towns, while in Apatin, some Jewish families have received threatening letters. On facades of some Jewish houses in Kikinda nazi swastikas were drawn to put the following message across: "We shall kill you!"²³ In Zrenjanin a plaque commemorating Jewish victims in the WW2 was broken.²⁴ On Jewish graves in Belgrade and Zrenjanin in June swastikas were drawn.²⁵ Efforts of Sombor authorities to discover writers of anti-Semitic graffiti were futile to date.

In expressing its concern over increasing anti-Semitic incidents, Alliance of Jewish Communities in Yugoslavia appealed to public at large to protest against such manifestations of intolerance. The Alliance reminded public at large that under the FRY laws any manifestation of hatred and intolerance is punishable. It also made public that Deputy Public Prosecutor in Belgrade refused to temporarily seize the entire circulation of the anti-Semitic pamphlet "Protocols of the Zion Elders", and to file criminal charges against its publishers. The Alliance's communique went on to note: "the latter in fact legalises the right to expression of anti-Semitic stands and publishing of anti-Semitic literature".²⁶ It also bears mentioning that due to anti-Semitic jeers from those in attendance the Helsinki Committee Panel Discussion on Anti-Semitism in CaCak had to be interrupted. All this causes much concern. Manda Prising, co-ordinator of the Sombor Peace Group, stated in late June that "recent incidents indicate that in Serbia nationalism, racism and fascism are in a way legalised".

One should also draw attention of public at large to the phenomenon of persisting hate speech. But drastic forms of hate speech have disappeared and it no longer enjoys wide support. Both socially frustrated individuals and high-ranking politicians and public figures contribute to spread of hate speech. But it bears stressing that the Federal Ministry for National and Ethnic Communities, decried a statement made by Marija Milosevic, daughter of former Yugoslav President that "Romany and Turks rule over Serbia...if Hitler were alive he would be happy to see many German cars in the streets of Belgrade".²⁸ But the same Ministry failed to react to reply of Republican Prime Minister Zoran Djindjic, to the US Congress appeal to release Kosovar Albanian, condemned without individualisation of their guilt, namely, "terrorists in our prison are a random sample of one million terrorists currently wandering Kosovo-wide. We could arrest another half a million of them on the same grounds, for they are all against our state and everything they did they did against our constitutional order".²⁹

As public and competent bodies reactions to racist statements and nationally intolerant graffiti are not convincing (last year only one nationalistic incident was determined as a criminal offence aiming at instigating racial, religious or national hatred), it is not surprising that advocates of "white, cleansed Serbia" are extolled by nationalists as a paragon or a model to be followed.

Nebojsa VuCinic stated: "I don't know why skinheads are so much criticised. They are such wonderful, young people. They should be allowed to legalise their organisation, to freely promote the ideal racial type -the one of the Serb people. This country needs such people..."³⁰ And the statement made by a "full-blooded Serb" skinhead to "*Nedeljni Telegraf*" clearly indicates

the character of "such people": "Skinheads are not doing anything contrary to Constitution, they do not cause racial, national or religious hatred...Is it not right to hate the one who killed your people in Bosnia and in Kosovo?...We don't like either those who have mentally occupied us for years, notably Romany". Skinheads also dislike children from mixed marriages, for "they are children of lesser racial value and we don't recognise them as Serbs".³¹

Added to racism and chauvinism, skinheads are notorious for their animosity towards sexually different people. But that gay-and lesbian-bashing is characteristic also of other organisations, like Homeland Front "Obraz", which according to Nebojsa M. Krstic, president of movement "verbally fights against abuses of human rights committed for the sake of legalisation of sexually deviant homosexuals and lesbians and numerous sects in our country"³² But in late June it became clear that the Homeland engaged also in non-verbal fights against those groups. Namely on the Gay Pride Day at the central Belgrade square participants of the gay parade were brutally attacked by extremists, and the police did very little to prevent that assault (the rally was duly registered and the police was warned in advance against possible incidents), The communique of "Labris" group noted: "policemen just stood and watched escalation of violence...the state and authorities indicated that attacks on others were allowed and even desirable".³³ Members of "Forum of Writers" asked the republican government to explain to citizens "whether Serbia in which expression of human right to diversity is prevented by violent means is that new country which we are trying to bring closer to the civilised world".³⁴

But those of different religions are also discriminated against. Intolerance towards other religious denominations came to the fore in a dramatic way in Bačka Palanka where the Christian Centre celebrated anniversary of Pentecostal Church in Europe by organising an International Christian Conference. ³⁵ Posturing as faithfuls of Orthodox Church, a group of citizens protested against the said conference, threatened to lynch and expel its participants, threw stones and Molotov cocktails on the bus ferrying participants, broke the Sports Centre door (venue of the Conference), torched DM 2,000 worth property of the Christian Centre and physically attacked one participant. Smaller religious communities were exposed to brutal attacks in Vrbas. There within a month 6 incidents were reported (Evangelical Methodist Church was attacked three times, its windows were broken, and a bomb was thrown at the church.) According to priest Darko Vita threatening letters were received and other priests were intimidated. He stressed that 10 years ago no-one identified Protestant churches with sects, while now that is a common occurrence. Moreover that church is told to discontinue its rites in Serbia. ³⁶

Instead of spearheading campaign for inter-religious dialogue and understanding, some representatives of the Serbian Orthodox Church manifest a disturbing lack of tolerance. Such conduct of theirs is unacceptable as it is contrary to evangelical teachings. Both Serbian society and SOC are in the midst of a grave crisis. SOC officials do not have the right answers to the challenges of modern times. In collusion with nationalists in power they endeavour to ensure a privileged position for their Church. Hence their vilification of smaller religious communities as sects.

At the press conference staged by the three largest Protestant communities -Evangelical, Adventist and Baptist- Aleksandar Mitrovic, episcopo of Evangelical Church, characterised as unfavourable the status of small religious communities, due to long-standing media-bashing to which they have been exposed (media vilify them as Satanist cults). According to him attacks on the churches would not have happened "if media portrayed us in the right and true fashion...Some electronic media, notably BK TV do not care whether their criticism of our churches would harm our reputation". Mitrovic also criticised the SOC for "wanting to decide who is "suitable" and who is not suitable", and took to task the regime "which in collusion with the SOC tramples on the non-establishment principle, our rights, and those of other religious minorities. SOC priests have made inroads into schools and army. Hence education and the military sphere are being clericalised, like other segments of society. At the same time we celebrate as national holidays only days of Orthodox saints, and they are also extolled via selling of postal stamps with their images. Every citizen of Serbia, irrespective of his denomination, by buying those stamps finances construction of the St. Sava temple, while our multi-confessional churches are stoned and demolished".³⁷

Added to breaking the church windows, in Serbia are also broken minimal principles of secular and neutral state. We are referring to introduction of religious education. Long-announced, politically arbitrary and non-validated by pedagogical and expert analysis and debate, the decision on introduction of religious education met with divided reactions of public opinion. Interestingly enough warnings voiced by opponents of that idea, namely "such a move constitutes a breach of laic state and freedom of religious expression, threatens educational system of civilian society, and multi-confessional and multicultural co-existence in the society, manipulates religious feelings of citizens ³⁸ have not encouraged political representatives of national minorities to make public their stands on this issue. It is not very likely that they ignore the problem and deem it minor or

unimportant. It is more likely that they have concluded, in view of obvious weaknesses of the state and society, and a growing power of the SOC, that it is wiser to keep silent, instead of irritating their "church" and consequently losing an important ally. In those terms it is important to stress that in recent past many leaders of Serbian political parties frequently visited top SOC "offices" to garner support of key clergymen. Thus rendered support to DOS, had its price, and it came most surely in the form of an adamant demand that religious education became a subject-matter in both primary and secondary schools.

But such ambitions of the SOC are not surprising (in recent past SOC was proclaimed by some prominent public figures as the leading institution in salvation of people, state and congregation). 38 Even less surprising are growing demands of representatives of some national communities to see status of their communities improved.

The German national community demanded that they be recognised status of national community. In the Twentieth Century their number decreased hundred-fold. Those Germans who in the post-WW2 period stayed on in Serbia shouldered for a long time the burden of collective guilt. Currently representatives of this 5,000-strong community have laid a claim to recognition of their status of national minority, the right to education in mother tongue, dual citizenship, unlimited right to return to Germany, restitution of their pre-war property. According to members of Association "Donau" privatisation should be preceded by de-nationalisation, in order to redress the wrong done to the Danube Germans. They have also demanded that the Novi Sad TV launches German-language information programs. They have also addressed provincial, republican and federal authorities to improve their standing, but to no avail. 40

Romany have also repeatedly demanded to be recognised the status of national minority. That claim of theirs was earlier backed by the Serbian Academy of Sciences, but ignored by the former regime. Romany, like Vlachs and Germans, believe that the status of national minority shall provide them with a better framework for preservation of their identity and reproduction of their culture.

In opening the round-table on identity problems of minorities in the FRY, Rasim Ljajic, Federal Minister for National and Ethnic Communities, stated that "the Ministry wants to make a clean break with the practice of politicians deciding whether a determined national group existed or not". On the second occasion he stated that members of Romanian diplomatic corps demanded that Vlachs be treated as part of Romanian national body. But the Ministry thus responded to that plea: "We don't want to arbitrate, it is a matter of cultural and political elite, and of minorities representatives to self-determine their ethnicity".41

At the Novi Sad meeting organised by Helsinki Committee (December 2001), representatives of various cultural and political organisations of Vlachs voiced different opinions on identity of Vlachs (namely are they Romanians or do they have a special identity). While some considered Vlachs Romanians (in anthropological and cultural sense), the others denied it maintaining that Vlachs are neither Romanians nor Serbs, that it, "they constitute a distinct ethnicity." Zoran Lilic, President of Social Democratic Party, in his interview to Kladovo local TV, said that Vlachs were the oldest local population group after Serbs in the area of Timok Krajina.

Conflicting stands emerged also regarding the question whether census-taking lists should contain two separate columns (one for Romanians and one for Vlachs), or a joint one was sufficient. Opinions were voiced at the meeting that Vlachs, if presented with an opportunity to declare themselves as Romanians, would rather declare themselves as Serbs, which in turn would lead to their assimilation and extinction.

Although representatives of political-cultural elite of Vlachs espouse diverse stands, they shall have face the problems related to preservation of its own identity, notably because status of Vlachs remained unchanged despite promises of new authorities. The thesis that Vlachs are a special entity of Serb descent (deemed as nationalistic appropriation of their identity) is being favoured over the one that their rights should be equalised with those of Banat Romanians (the claim laid by some Vlachs parties, notably Democratic Movement of Romania, and considered as a secessionist one). 42

As Serbia is a markedly heterogeneous community, attainment of Vlachs rights, notably the one to use of mother tongues in education, information and religious rites, would bring the Serb society closer to the ideal of linguistic justice and eliminate from public sphere negative phenomena of ethnic mimicry to which Vlachs had resorted in the past period (amply indicated by results of post-1945 censuses). Major oscillations in number of members of this community-under the 1948 census there were 102, 953 Vlachs, and under the 1961 there were only 1,368 of them-should be accounted for primarily by political, and not demographic reasons. 43 However demographic data are always problematic for during census-taking it is impossible to eliminate elements of subjectivity. Prior to declaring their ethnicity people also ponder circumstances in the county and some other factors. But the very fact that members of certain groups are compelled to

make calculations regarding their national identity, that is weigh pros and cons, possible benefits or damages of their "declaration" indicates that conditions in this country are still more repressive than democratic. If members of Vlaschs hid their identity, the census lists did not contain the column Vlasch (as it happened in 1953), then such conduct was prompted by the society's disregard of Vlasch identity.

Representatives of new authorities have repeatedly demonstrated their allegiance to the ideal of a pluralist and democratic society, the one observant of identities of all minorities and bent on creating conditions for proper expression and preservation of that identity. In those terms the FRY in the first half of May signed the Framework Convention for Protection of National Minorities and through its Federal Ministry for Minorities launched an initiative for drafting the Yugoslav Law for Protection of National Minorities. Some members of the pertinent expert group made it clear that the law would be in keeping with the strictest European preconditions and criteria, and that it constituted the first step towards the FRY admission to Council of Europe and later to European Union. It was furthermore made public that the adoption of the law would contribute to promotion of stability of inter-ethnic relations, for it gives enough room for meeting nearly all minorities' claims, notably attainment of status of national minority.

Under the Bill on Protection of Rights and Freedoms of National Minorities 45 minorities shall be considered those groups of citizens who are called or determined as peoples, national and ethnic communities or groups, nations or nationalities. The Bill gives a definition of notion of national minority, but fails to list all minorities. But it bears saying that earlier proposals listed all minorities, barring Yugoslavs who under the 1991 census made the fourth-ranking community. However absence of Yugoslavs does not surprise, for some solutions put forward in the Bill, in favouring ethnic loyalty, relegated some individuals to narrow ethnic frameworks. By depraving of memberships in elective assemblies individuals engaging in extra-ethnic political activities, the Bill featured as a triumphant charter of ethnic-nationalism. In its subsequent versions, notably the one of 20 November, those individuals were given the opportunity to take part in the election of the National Council through their elective assemblies, but also introduced some restrictions, notably, "members of local assembly, if the percentage of national minority does not reach 30% share in the total population of municipality, are stripped of the right to be members of elective assemblies". Thus it is obvious that only electors living in areas in which their minority is densely concentrated would be allowed to take part in formation of National Councils.

It bears saying that the elective assemblies are not the only vehicle through which the National Council may be constituted. It may be constituted on the basis of elections, that is a special voters' list. Demand to put together a list is submitted by organisations and associations of national minorities within 3 months from the Law's entry in force, if that demand is backed by at least 20% adult members of national minorities, considered as such in line with results of the last census. If the list is signed by more than a half franchised voters, the elections, under the proportionate system, would be held at the latest within a year from lodging of request for preparation of a special voters' list. If a special lists is not signed by more than a half of minorities' members, the National Council is elected via electors.

Under the Bill, the National Councils are formed for the sake of exercise of minorities rights to self-rule in the official use of language and alphabet, education, information and culture. The Council represents a national minority in the aforementioned areas and takes part in pertinent decision-making. In order to ensure an efficient participation of minorities in the decision-making process in the areas considered top priority ones by them, and for the sake of preservation and protection of distinct features of minorities and exercise of their rights, the Bill also envisages establishment of a Federal Council for National Minorities and the Federal Fund for National Minorities. The two institutions shall be tasked with fomenting social, economic, cultural and general development of minorities. For the sake of ensuring full equality of members of minorities they are also guaranteed the right of adequate representation in public services, including police, the selection and use of national symbols. The law protects acquired rights and bans any action or measure which can lead to changes in national composition in areas traditionally populated by minorities. Minorities can resort to competent courts whenever their rights are threatened, and the Bill also envisages formation of Obmudsman for National Minorities.

The Bill guarantees to minorities a host of rights aiming at protection of their distinct features: free selection and use of personal names, the right to use mother tongue, the right to official use of language and alphabet, the right to nurture their culture and tradition, the right to education in mother-tongue, the right to information in national minorities languages.

A very important solution is envisaged under article 4 of the Bill: "an affirmative action shall be taken with a view to improving the status of national minorities who had been discriminated or deprived of some rights or possibility of development, notably Romany national minority".

Romany are the only minority with the recognised status of national minority under this Bill. Thus the FRY became the eighth country in the world which recognised such a status to Romany. According to opinions of some Romany representatives, notably of Dragoljub Ackovic, positive discrimination shall largely contribute to promotion of information, employment and education of Romany. In the FRY every third Roma finishes elementary school, while the number of those with the high-school/university diplomas barely reaches 200.

During the public discussion, the Bill was both praised and criticised. Criticism focused on the fact that the Bill embraced an outdated concept of national minority, instead of a more modern one of national community and that some of its education- and the official use of language and alphabet-related solutions encroached on some republican powers, thus possibly provoking negative responses of republican authorities and even lawsuits before the Constitutional Court. The warning was also voiced that the very concept of the National Councils was not good, and was possibly conducive to separation and conflicts between national communities.

The issue of the National Council caused a rift among members of the Croat national community. In fact two Councils were set up. As the Democratic Community of Vojvodina Croats and the Croat National Alliance failed to reach consensus on members of national councils (politicians, MPs, aldermen, former and current or representatives of the Croat community active in the areas of education, culture and information) two interim councils were formed. In his statement to Radio Subotica, Nenad Prelog, Assistant Deputy Foreign Secretary of Croatia, stressed that establishment of several national councils was a caricature-like invention, whereas only one Council was an acceptable solution. 46

It is possible that similar divisions may emerge within the fold of other national communities. The very way of formation of National Councils includes a possibility for denial of their legitimacy and enough room for accusations that, in the name of party interests, those of a broader community, are neglected. This in turn may generate antagonisms and morph the political life of a given community into a race for sinecures, privileges and positions. And the end-result of that race could be the following: the defeated side could satisfy its "appetites" by establishing a new, "genuine" national council.

Vladimir Ilic, professor of the Belgrade Philosophical Faculty, sharply criticised the Bill. Ilic was the original member of the expert group tasked with its drafting. In his text he stressed: "the Bill combines some contemporary European solutions with domestic ones, masterminded by Dr. Karadzic and Dr. Seselj". According to Ilic "mention of Yugoslavia would jeopardise the alliance of ethnic nationalists and undercut all stories about the need for education in allegedly "different" Serb and Croat language", that is "opened the issue of meaning of the past wars, disintegration of state, losers and winners in the bloody deals and manipulations, and the one of legitimacy of Karadzic's and Milosevic's associates who are in power today". 47 Behind the bill there's a lot of greed: many are vying for the post-October booty, and former communists rallied in the expert group of the federal ministry, according to Ilic, serve only to acclaim any solution. "the Bill's intent to surpass European standards in the province of protection of minorities, in this country is likely to intensify inter-ethnic tensions, a creeping apartheid, and completion of ideas and exploits of Dr. Karadzic, and consequently generate a new regional instability".

In its November letter to the Federal Ministry for National and Ethnic Communities, Democratic Party of Vojvodina Hungarians 48 pointed out that "the model of National Councils does not suit the true interests of national minorities and we reject this document because it fails to treat the issue of minority autonomy. National Councils cannot act alone in the process of relevant decision-making. In view of the fact that the authority of National Councils is one the one side limited by the Federal Council, and on the other by Ombudsman, and that they are moreover financially dependent on the Federal Fund for National Minorities, National Councils in the system of regulating status of national minorities shall have a very passive role". It is furthermore stated: "If National Councils don't have executive functions and powers to pass certain legal norms, there's no need to draw up special voters' lists of members of national minorities, for the manner of their preparation shall not be regular, but the system of electors shall be regular". It is also underlined that: "electors were implicitly poised as objects of unlimited manipulation for through them the Serbian political elite at any time may constitute an obedient advisory body".

In his analysis, ran by daily "*Politika*", Radoslav Stojanovic, professor of International Law, repeats some of the aforementioned objections. 49 According to Stojanovic, institution of Oubdsman, tasked with protection of minorities' rights before the state bodies, makes superfluous National Councils, whose very manner of election, vests in them political powers. Stojanovic went on to note: "That power, concentrated in areas in which a minority constitutes the majority population, shall inevitably lead to constituting of political-territorial autonomy".

German minority association "Donau" also aired its objections to the Bill. Namely it demanded the following: "the Bill should list all national minorities in the country, minority status

should not be linked to minorities' size and share in total population, minorities should be accorded the right to dual citizenship, to representation in assemblies, and a provision banning vilification of national minorities and ethnic groups as perpetual enemies of the Serb people 50 in the textbooks of primary and secondary schools, should be included in the Bill.

In its earlier reports Helsinki Committee draw the attention of public at large to the offensive contents in the school curricula and to the need that minorities were allowed to play a bigger role in creation of the latter, notably in the sphere of mother tongue, literature, history, music, arts, that is, in subject-matters of key importance for preservation and development of national identity. In order to encourage tolerance towards national minorities and peaceful cohabitation, minorities-related school curricula should include data on culture, history and status of national minorities. The Bill also stressed that "wherever mother tongue of national minority is officially used, classes of national minorities languages should be set up in the Serbian-language schools".

For every multi-ethnic milieu it is important that school curricula and textbooks distribute contents encouraging inter-ethnic dialogue. But according to findings of the survey conducted by the Novi Sad School of Journalism, this is not the case. There are no relevant information on linguistic, historical, and cultural heritage of minorities living in the territory of Vojvodina. In 1992 local language stopped being an optional subject-matter in Vojvodina schools. Therefore current curricula and textbooks do not contribute to development of inter-ethnic dialogue. 51

The NSSJ also underlines that in those terms the media don't play a good role. Answer to the question whether in their editorial policy the Vojvodina majority and minority languages media, are aware of needs of population in multi-ethnic milieus, is: they are not!

"The majority-language media are not interested in minorities and their problems, unless manifestations (festivals) and conflicts are at play. The minority-language media are enclosed in their own ethnic and cultural space and are interested in "others" only in special cases, that is, if events are related to their community or are of a great importance (the federal one). Therefore in their editorial policy the Vojvodina media are not aware of their duty or obligation to shape public opinions on multiculturalism, and contribute to better attainment of cultural rights of all ethnicities living in this region. As long as such a line is toed, the social distance between members of different nations instead of decreasing, shall increase. 52

As the social distance indicates the lack of trust between members of different nations, it bears stressing the findings of the survey conducted by agency "Strategic Marketing" for the conference "Quest for Truth and Reconciliation". 53 According to results of the survey over 50% of citizens of Serbia are extremely wary of other nations, while almost 40% of citizens think that no trust should be placed ever again in peoples with whom we have waged wars, even if good, official relations are established. Over 50% of citizens of Serbia believe that Serbia is threatened territorially and economically, in the first case by Albanian terrorists and in the second by influences of foreign powers. An overwhelming majority of citizens of Serbia (82.3%) see President Kostunica as protector of interests of Serbia on the international scene and consider the Yugoslav army as a key institution.

The fact that the YA is still headed by a Milosevic appointee, and that power was taken over by associates of the Bosnian Eichmann, as Professor Milan Popovic calls Radovan Karadzic, does not give much hope for an imminent inter-ethnic confidence-building. If it is true that at elections citizens voted against Milosevic, and not for DOS, the victors of elections must follow the will of majority, and manifest their consent with it. That will and the nationalist exacerbation should not be undervalued, as the next year, according to incumbent officials, shall be they year of privatisation which is likely to generate a large number of unemployed. Workplaces or jobs have already become a point of crystallisation of cultural racism. According to survey conducted by Vladimir Ilic, both majority and minority population dislike refugees and consider them lazy and irresponsible, in a bid to eliminate them as competition in the labour market. However Ilic got varied answers to the question "is there ethnic discrimination on the plane of employment?" 39% of polled Croats and Romanians, 26% of Hungarians, 24% of Slovaks and 9% of Serbs said that such discrimination existed. But when asked whether there was an equal-opportunity employment policy regarding top positions in Vojvodina, 49% of Romanians and Slovaks, 48% of Croats, 47% of Hungarians and 16% of Serbs answered negatively. 54

The aforementioned data are interesting for they confirm existence of nationalism in Vojvodina. The BeCeJ office of "G17plus" 55 last year warned against the escalation of both Serb and Hungarian nationalism. As unemployment is growing there is a danger that the solution may be sought in manipulation of identity references. The latter if favoured by some legal solutions (so-called status laws) of neighbouring Hungary which allows its Vojvodina fellow-nationals (diaspora members) to work for three months in Hungary.

It is incredible but true that citizens of Vojvodina and Serbia are better informed about reactions of Romanian and Slovak authorities to the aforementioned legal solutions than about the position of their own government. If the Yugoslav administration has taken a restrained stand in order not to create an anti-Hungarian mood in the country and consequently avoid comparisons with the former regime, then such motives are not acceptable. Citizens of Hungarian nationality, like all the others, deserve to know the position of their authorities on the said status law. An undefined stand of Yugoslav authorities shall not prevent Hungarians in Vojvodina to avail themselves of offered facilities and advantages. According to Andras Agoston, President of Democratic Party of Vojvodina Hungarians "we have 16,000 signatures of local Hungarians who want to make use of the offered facilities".⁵⁶

Such facilities were taken into account by the Alliance of Vojvodina Hungarians when it sent to eight Vojvodina municipalities the Protocol on Co-operation last year. Although the Protocol mentions that the co-operation is motivated by functional reasons, in public reactions the former were sidelined and ethnic aspects came to the forefront. Representatives of some Vojvodina ethnic parties voiced their doubt that the document was a covert attempt to introduce Hungarian territorial autonomy in Vojvodina. Radicals were most critical, for at the press conference Milorad MirCic, President of the District Committee of the SRP, linked the Protocol to decision of federal authorities to allow NATO troops to pass through our country. According to MirCic, one of the NATO check-points would be on the border between two independent regions—the Hungarian ethnic autonomy made up by municipalities-signatories of Protocol and BaČka . "Presence of NATO would be a guarantee of that ethnic autonomy whose borders would be drawn in line with Jozef Kasa's ideas..."⁵⁷

Moderate reaction took note of harmful consequences of ethnic grouping, that is, pointed out that "as it is impossible to territorially embrace all members of a certain group surrounded by ethnic majority, for they shall be compelled to quietly emigrate or shall be assimilated".⁵⁸ Some Vojvodina analysts have termed this "quiet emigration" as "Karadzicisation of Vojvodina", presupposing non-violent migrations and ethnic and territorial grouping of national communities.⁵⁹

Ethnically motivated violence marked the year 2001. Pro-violence forces have gained strength encouraged by statements of some politicians and public figures. As populace at large is unwilling to face up to the crimes committed against minorities members, the wartime responsibility is fixed only on one man, and insistence on "most crimes being committed against Serbs" continues, those who recommend nationalism as an emancipating ideology are favoured in such a climate and advocates of de-nazification are handicapped.

In May, TV Novi Sad broadcast a program on the 1992 ethnic cleansing of Srem. During the broadcast many callers offered words of support to leader of Radical Party, Dr. Vojislav Seselj. Later accusations were levelled against Marina Fratucan, editor of the program, and she was branded as "traitor of Serb people".⁶⁰ After the program on Hrtkovci, a house of Croat from that village was stoned. In her "*Danas*" article Branka Dragovic writes that her team was met by revolted locals of Hrtkovci, who furthermore maintained that no ethnic cleansing was done in the village.⁶¹

Unwillingness to admit crimes leads to their denial and later-to their repeat. Therefore a responsible facing up to the past is a must. In that facing process violence against minorities, Albanians, Croats, Bosniaks, makes up a special chapter. If the Serb society wants to become a just one, then it must eliminate from its jurisdiction all minorities-discriminating provisions.⁶² And according to Dusan Janjic, from the Forum for Ethnic Relations, there are about 100 such provisions. In recent discussions most criticised were the Act on Elections which imposes to minority parties an unattainable census of 5%, then the Act on Underdeveloped Areas of RS from period up to 2005, which development policy favours villages with the majority Serb population.⁶³ Repeals of the aforementioned and similar acts, and adoption of the federal anti-discrimination law, drafted by a group of jurists from the Institute for Comparative Law, enhances performances of community and makes it acceptable for all its citizens. In that regard additional efforts are needed to root out certain prejudices about regions and their locals, notably Sandzak and Sandzaklians. In line with the ever-shifting needs, this region is either exploited as a prime example of good multiculturalism, or as the prostitution and smuggling hotbed.⁶⁴ Recent terrorist acts in America were reflected here too. In indicating that the terrorist attacks in the US generated an anti-Muslim campaign, the Sandzak mufti Muamer Zukorlic, voiced his concern over re-activation of media and journalists who ten years ago laid the groundwork for killings and ethnic cleansing of members of other nationalities, and who strive anew to uncover alleged networks of Serb enemies in Sandzak.⁶⁵

Bosniaks, whose population is straddled over territories of the two remaining republics of the former state, are obviously interested in the survival of the FRY. They are against division of

Sandzak and consequently of the Bosniak national community. They are interested in playing a major role in negotiations on future relations in the federation. They furthermore demand a higher representation of their members in the state bodies, notably, police. According to Esad Dzudzevic, federal MP of Coalition for Sandzak, in municipalities Novi Pazar, Tutin and Sjenica Serbs make up 90-93% of police forces.⁶⁶

An important aspect is also institutionalisation of the Bosniak culture, creation of institutions tasked with presentation of their culture, innovation of underdeveloped educational system (Sandzak locals pay higher tuition fees), participation of Bosniak experts in drafting of school curricula (the current ones are ethno-centric and contain insulting examples) and appointment of Bosniaks to top positions in some institutions. No Bosniak has ever headed the Novi Pazar secondary school founded in 1913.⁶⁷ Moreover no light has been shed on some abduction cases, notably the Strpci one, although authorities pledged to find and punish perpetrators thereof.

After the change of authorities, Serbia faces the task of creating a new institutional framework within which minorities would more efficiently attain their rights.

Under the old regime the minority issue was a strong de-legitimising factor, while the new authorities now exploit it to get closer to the international community. In the country the elite offers to minorities the possibility of institutionalised care, in lieu of conflicts. This, in case of the Croat national minority, fragments the elite, and indicates that the concern for minorities is in fact an opportunity to make individual, pragmatic gains.

In the first post- Milosevic year nationalism was not routed, and ethnically motivated violence was not eliminated. Civil forces are weak, and in the ongoing clash between the two major political figures have been reduced to their assistants. Status of minorities shall be improved only if adoption of the Law on Protection of National Minorities is followed and backed by a different kind of political culture. But emergence of such a new culture is thwarted by those political protagonists who think that Serbia, as a multicultural society, should tolerate minority cultures without accepting them.

End notes:

1. *Danas*, 13 December 2001
2. *Danas*, 2-3 June 2001
3. *Danas*, 7-8 July 2001
4. See web-site of "Obraz", www.angelfire.com
5. *Vojvodina*, 2 February 2001
6. *Glas javnosti*, 18 November 2001
7. Term "humane nationalism" was used once by Dobrica Cosic. Svetozar Stojanovic, former Cosic's adviser, uses the term "democratic nationalism".
8. *Danas*, 24-25 March 2001, AIM, 10 July 2001
9. That message was sent to Kasa through the web page of the Alliance of Vojvodina Hungarians.
10. Tonkovic received threats via e-mail. *Barometer* no.2, ed. KuCa tolerancije, Belgrade
11. *Danas*, 21 March 2001
12. *Barometar* no.2
13. *Magyar Szo*, 24 June 2001
14. *Danas*, 14 March 2001
15. *Gradjanski list*, 12-13 May 2001
16. *Danas*, March 2001
17. *Barometar* no.2
18. *Gradjanski list*, 28 May 2001
19. *Danas*, 6 July 2001
20. AIM, 29 April, 2001
21. *Dnevnik*, 8 April 2001
22. B92, 19 April 2001
23. *Danas*, 19 April 2001
24. *Danas*, 8 March 2001
25. *BH Dani*, 2001
26. *Danas*, 17 August, 2001
27. *Danas*, 29 June 2001
28. *Danas*, 29 June 2001
29. *Danas*, 31 March-1 April 2001
30. *Dnevnik* 10 November 2001

31. Barometar no.2
32. See web site of "Obraz"
33. B 92, 1 July 2001
34. *Danas*, 14-15 July 2001
35. *Dnevnik*, 19 July 2001
36. *Dnevnik* 16 July 2001
37. *Danas*, 19 July 2001
38. *Gradjanski list*, 31 July 2001
39. Revolution and Order, IFDT, Bgd. 2001, page 231
40. Justification of demands for resolution of status of citizens of German nationality, "Donau", dated 20 September 2001
41. *Danas*, 16 November 2001
42. Round-table "Status and Prospects of Vlaschs", held on 19 December 2001 in Novi Sad
43. Minorities in Serbia, Helsinki Committee for Human Rights in Serbia, Bgd. 2000, page 64
44. *Danas*, 19-20 May 2001
45. Bill on the Protection of Rights and Freedoms of National Minorities, article 2
46. *Gradjanski list*, 20 October 2001
47. *Danas*, 1-2 September 2001 All quotations of Vlada Ilic are from this text.
48. Helsinki Committee got this letter thanks to kindness of Andras Agoston, President of the DMVH.
49. *Politika*, 2001
50. *Dnevnik*, 3 October 2001
51. Helsinki Committee gained insight to findings of the survey thanks to kindness of Dubravka Valic Nedljkovic.
52. Title of survey is: Interethnic dialogue in public communication in Vojvodina
53. Results of survey may be found on www.b92.net/special
54. Minorities and refugees, Helsinki Committee for Human Rights, page 52
55. *Gradjanski list*, 14-15 July 2001
56. *Gradjanski list*, 2 November 2001
57. *Gradjanski list*, 28 August 2001
58. Bulevar, 23 March 2001
59. *Blic*, 21 October 2001
60. *Gradjanski list*, 28 May 2001
61. *Dnevnik*, 2-3 June 2001
62. *Danas*, 28 December 2001
63. Round-table: Sandzak and Bosniaks between Serbia and Montenegro, Novi Pazar, 16-18 May 2001
64. Conference: Transition and national minorities, Belgrade, 8-9 November 2001
65. *Danas*, 4 October 2001
66. *Danas*, 21 September 2001
67. All the aforementioned was stated at the round-table "Sandzak and Bosniaks between Serbia and Montenegro", Novi Pazar, 16-18 May 2001

VOJVODINA

Hopes that Vojvodina would be vested in broader powers in 2001 have been crushed. The republican assembly refused to discuss the Bill on Certain Powers, submitted to it by the provincial (Vojvodina) assembly. That decision was justified by procedural reasons. According to Gordana Comic Vice, President of Republican Parliament if the Bill is not adopted by 29 December 2001, it cannot be included into regular parliamentary agenda procedure until 1 March 2002. 1

Judging by the aforementioned such a decision of the republican parliament is an expression of an earlier political agreement and wish to avoid new tensions between republican and provincial authorities. This delay is also due to the fact that the Bill did not even satisfy those Vojvodina MPS who have adopted it. For example Djordje Subotic, a Reformist Party MP assessed the Bill as "a kind of a legal trick, which does not offer any possibilities for a genuine realisation of autonomous powers of Vojvodina".. Aleksandar Kravic, a League of Social-Democrats MP, wittily likened the Bill to "giving a bow tie to a man stripped of all his clothes", 3

while Nenad Canak, President of Vojvodina Assembly, was very blunt: "This is a last chance which Vojvodina gives to Serbia".⁴

The fact that Belgrade and Serbia reached the last chance stage clearly indicates how difficult it is to realise the things which had been so generously promised at the outset. Insistence on autonomy was politically useful in mobilising support for toppling an authoritarian regime, and when that regime was brought down, the issue of autonomy became a source of conflict between the coalition partners.

In using the excuse of "other top priorities", Kostunica's DPS, in early March declared that the "time is not ripe for autonomy of Vojvodina, as it is mindless in economic terms".⁵ The other, pro-autonomy side interpreted that stance as readiness to "retain occupational achievements of Slobodan Milosevic". Added to that Democratic Party was also criticised for undermining claims to autonomy, despite its verbal backing to such claims. Zoran Djindjic, Serb Prime Minister and leader of Democratic Party, once declared himself a more prominent pro-autonomy advocate than Canak and Isakov.

But adoption of the Privatisation Act and disclosure of decision to privatise the BeoCin Cement Plant gave rise to sharp criticism. The Act was assessed as "centralist" and unacceptable for Vojvodina, for it meant "sale of Vojvodina goods for the benefit of some Belgrade leaders".⁶ Moreover Serbian government and prospective BCP buyers were cautioned "not to buy stolen goods".⁷ Serbian government was warned that it would face a series of protests, road blockades and strikes if it proceeded with the sale of Vojvodina companies".⁸

But the aforementioned threats did not stop the BCP sale or thwarted Belgrade's intentions. Only later, when the tensions between DPS-republican government flared up, room was created to empower Vojvodina with some prerogatives in the area of education, culture, public information, official use of tongue and alphabet, health, pension and disabled insurance, social protection, legal protection of families, environmental protection, town-planning, sport, etc, if the republican MPs adopted the aforementioned Bill. This in turn made it clear that provincial powers and autonomy of Vojvodina became the matter of political concessions (made to ensure backing and survival of government,) and not an expression of a clear and consistent conceptual orientation. Thus many pro-autonomy MPs were dissatisfied with the "Omnibus Act". Moreover they were aware that a new shift in balance of powers in the republican parliament would generate new conflicts and remove Vojvodina from autonomy.

There are some political protagonists, notably the Radical Party, who think that Vojvodina does not need autonomy and that "Serbian Vojvodina" is currently the most threatened Serb country".⁹ According to representatives of the Serb National Movement "Svetozar Miletic" "autonomy shall not contribute to better life of Serbs in Vojvodina, but shall rather turn them into second-class citizens...therefore autonomy should be suspended". Members of this Movement think that "the issue of Vojvodina was resolved in 1918, whereas current false stories about Serbia's economic exploitation of Vojvodina are just attempts to perpetuate the Comintern-Broz ideas of carving up the Serb states".¹⁰ Academician Vasilije Krestic thinks that "Vojvodina pro-autonomy advocates are emulating their Montenegrin counter-parts, or Montenegrin separatists...therefore their treacherous intentions must be immediately forestalled.¹¹ Similar opinions were voiced at the panel discussion staged by Homeland Movement "Obraz" in November in Novi Sad: "In are in the midst of a very grave crisis...if it continues, and our federal and republican authorities fail to react to it, and our army and police fail to timely prevent secession of Vojvodina, we shall be impelled to stage an uprising and single-handedly defend every part of our country".¹² It is interesting to note that the incumbent FRY president, Vojisla Kostunica, in criticising failure of government of Serbia to properly defend unity of the FRY, also warned against escalation of separatist aspirations in Vojvodina.¹³ In commenting Kostunica's assertions representatives of some Vojvodina parties assessed them as unrealistic and stressed that autonomy is a counter-balance to separatism (Laslo Joza, Vice President of AVH). On the other hand Mile Isakov, of the Reformist Party,¹⁴ said that "there are no separatist aspirations in Vojvodina, but similar Kostunica's statements could easily generate it".

The fact that a multiethnic milieu like Vojvodina is ignored and declared as "exclusively Serb" indicates that the Great Serbia nationalist concept still prevails. It is characterised by an open anti-autonomy stand. In the vision of a centralised state there is no room for autonomy of Vojvodina. However it bears saying that there are politicians who respect multiculturalism of province, but deny its political and economic subjectivity.

DOS member-parties in principle agree that decentralisation of Serbia is necessary. But that principled agreement quickly fades when the question of a desirable model is posed. Some parties, notably League of Social Democrats, Reformists or Vojvodina Movement, point out that the optimum solution is a high-degree/full autonomy within the framework of decentralised Serbia, while other parties, notably DPS, advocate regionalisation as a desirable model. But it bears

saying that some parties also advocate asymmetrical regionalism. Pro-autonomy advocates are yet to provide an answer to the question whether the idea of asymmetrical regionalism respects full autonomy of Vojvodina, or under the slogan of decentralisation and democratisation at play are attempts to "soften it" or eliminate it altogether.

Representatives of some nationalistic parties, notably of DPS, in the asymmetrical model detect the makings of Vojvodina republic, as a step towards realisation of full-scale Vojvodina statehood in which Serbs would lose their national identity. 15 Similar accusations were voiced by Radicals of the South Balkans District: "We expect Canak to establish the Vojvodina Orthodox Church, in his bid to turn all Serbs into Vojvodinans".¹⁶

If there is any sense at all to comment the aforementioned accusations, then it bears saying that they clearly indicate historical fear of decentralisation. Fear that re-arrangement of the country would lead up to its disintegration and division, encourage secession and cause the loss of national identity of Serbs and their blending into a mystical identity of "Vojvodinans", is an objective hurdle on the road to effecting necessary changes. Decentralisation is not needed to make possible secession of Vojvodina from Serbia, but to make it possible for Vojvodina to more efficiently and rationally use its resources and advantages. For, according to Laslo Vegel, "if Vojvodina cannot develop independently the biggest loser shall be Belgrade. Serbia without Vojvodina shall not be able to effect modernisation turnaround. Belgrade needs competitive Vojvodina and without that internal competition Belgrade shall remain an European provincial town".¹⁷

Unable to deliver on its promises, the new republican authorities, have chosen the tactic of delay of constitutional re-arrangement of the country. This narrows the room for finding rational solutions and lead to further conflicts. Although, according to estimate of Bojan Pajtic under the aforementioned Bill, Vojvodina shall be vested with 292 powers in the area of social life, to be financed by 25 to 30 billion dinars, pro-autonomy advocates don't have many reasons for satisfaction in 2002. They asked too much and got too little. The price of their services in the intra-DOS conflicts is very low, and likely to decrease even more.

End notes

1. *Dnevnik*, 22 December 2001
2. *Dnevnik*, 15 December 2001
3. *Dnevnik*, 15 December 2001
4. *Dnevnik*, 15 December 2001
5. *Blic*, 12 January 2001
6. *Gradjanski list*, 26-27 April 2001
7. *Danas*, 14 May 2001
8. *Glas javnosti*, 20 May 2001
9. *Gradjanski list*, 8-9 September 2001
10. *Gradjanski list*, 26 November 2001
11. *Gradjanski list*, 26 November 2001
12. *Gradjanski list*
13. *Gradjanski list*, 24 September 2001
14. *Gradjanski list*, 25 September 2001
15. *Gradjanski list*, 14 December 2001
16. *Gradjanski list*, 27 November 2001
17. *Danas*, 21-22 July 2001
18. *Danas*, 15 December 2001

Sandzak

The Political Situation

As a result of the changes set in motion in October 2000, the situation in Sandzak has improved considerably, and tensions characteristic of the region over the past decade have abated. Although repression by the police and the Army is considerably reduced, it is still in evidence: for example, Murat Pepic of Tutin was beaten handcuffed by the police in the presence of many passers-by recently and suffered "grievous bodily harm". This was only one in a series of drastic human rights violations by the police in Tutin.

The political scene in Sandzak is diverse: Novi Pazar, Sjenica, and Tutin are governed by the List for Sandzak - Dr Sulejman Ugljanin coalition; Priboj and Prijepolje by a coalition of the

Socialist Party of Serbia (SPS) and the Yugoslav Left (JUL); and Nova Varos by the Democratic Opposition of Serbia (DOS). The new local authorities in Novi Pazar, Sjenica, Tutin, and Nova Varos are trying to establish co-operation with all the important segments of society, i.e. with the republican and federal governments, local and other economic enterprises, and the non-governmental sector, a significant development since there was no such co-operation to speak of before. The SPS-JUL coalition too appears to be willing to co-operate, a result mostly of various political pressure.

Local government performance in Sandzak could not have been better or more noticeable for two main reasons: the catastrophic economic situation bequeathed by the former regime (the municipal coffers are empty and much municipal land has been alienated), and the fact that under old regulations still in force municipalities are entitled to only 16 per cent of the revenue accruing from various taxes. A major problem facing the new local authorities is rampant illegal building: in Novi Pazar, for example, there are at present over 8,000 new buildings erected without the proper documentation. Furthermore, the Serbian part of Sandzak is still quite illogically divided into two districts: Novi Pazar and Tutin are part of the district of Raska, while Sjenica, Priboj, Prijepolje, and Nova Varos belong to the district of Zlatibor; as a result, jurisdiction over some institutions located in, say, Novi Pazar has been transferred to Kraljevo.

Some of the laws passed by the Milosevic regime, which directly prejudice both human and national rights of all Sandzak citizens, are still in force.

According to the latest draft Constitution of the Republic of Serbia, drawn up by the Democratic Party of Serbia (DSS), Sandzak is to be split into two parts rather than exist as a separate region. If by any chance it remains whole, it will be incorporated into the Uzice region although there is no historical, geographical or any other justification for such an arrangement.

Kraljevo is clearly becoming the most dominant town in this part of Serbia; this is demonstrated among other things by the growing presence of the international community and the number of non-governmental organizations in it. On the other hand, Novi Pazar, whose population is roughly the same, is host to only a few offices of international organizations including that of Mercy Corps.; the Anatolian Development Foundation opened an office in it only a week ago. This is surprising to say the least because Novi Pazar is a markedly multiethnic, multicultural and multi-religious environment characterized by constant high-level risk for nearly fifteen years. An additional source of friction has been the presence in Novi Pazar since 1992 of a good many refugees from Croatia and Bosnia-Herzegovina, whose ranks have swelled more recently by Albanians, Serbs, Bosniaks, and others displaced from Kosovo. According to the Red Cross, there are at present some 7,000 refugees and displaced persons in Novi Pazar.

The unresolved relationship between Serbia and Montenegro as a whole has a most direct bearing on the situation in Sandzak, especially on the Bosniaks in the FR Yugoslavia. The Belgrade regime is trying to win over the Bosniaks living in the Montenegrin part of Sandzak to support the preservation of the joint state although at the last Montenegrin elections they backed Montenegrin President Milo Djukanovic and his independence drive. In a situation like this ethnic and other tensions are unlikely to come to an end.

The two main characteristics of the polarized political situation are: lack of consensus among Bosniak political parties concerning issues of vital importance for the Bosniaks in the FR Yugoslavia; and the absence of transparent regional development plans by local political parties.

The two most influential parties - the SDA of Dr Sulejman Ugljanin and the SDP of Rasim Ljajic - have almost entirely divided the Bosniak electorate, their activities so far consisting mostly in trading accusations and jockeying for positions at local, republican, and federal levels. Likewise, most DOS members are preoccupied with wresting local posts from rivals and redistributing them.

The Economy

Sandzak has always had the status of an underdeveloped area on account of the widespread poverty of its population, and this poverty has become even more apparent recently. Having been all but devastated, the "socially-owned" enterprises are operating at only a negligible fraction of their capacity; especially hard hit are the textile and footwear industries which once constituted the mainstay of the economy of Novi Pazar and were a significant source of income for Sandzak as a whole. For example, the workforce of the Tekstilni kombinat Raska textile plant of Novi Pazar has dwindled from some 3,500 to fewer than 600, while that of the local Fabrika obuće Ras footwear factory has shrunk from 1,000 to under 200; and both the Fabrika trikotaze Raska knitwear factory and the Savremena konfekcija Raska ready-made clothes factory have work for just over 10 per cent of their workforce. These factories produce very little for themselves, most of their work consisting in job-processing for domestic private firms. A great many of the workers are moonlighting in the private sector while "earning" their pension and drawing their welfare

entitlements in their state-owned enterprises. It should be noted that most of the workers have been forced to take legal action because their contributions for past service have not been paid since 1995.

Other plants in Novi Pazar - including the Fabrika rastavljača Minel separator factory, the Fabrika reznog alata cutting tools factory, the Fabrika namenske proizvodnje Iskra-Minel special purpose factory, the Fabrika akumulatora i baterija Iskra battery factory, and Prva petoletka - are also operating at low capacity and producing very little. Workers of subsidiary plants are in the same predicament as their colleagues employed by the mother companies located elsewhere. The most successful firm, the Industrija građevinskog materijala Sloga construction materials factory, invested 5 million DEM in modernization last year.

The situation is as bad, if not worse, in other towns across Sandzak. The most drastic example is FAP of Priboj, which continues to decline and had to dismiss 1,600 workers at the same time recently. The PIK Pester food processing combine, formerly the largest food producer in this part of Serbia, is almost at a standstill at present.

The exceptionally bad situation in the public sector has forced many workers to find employment in the private sector, mostly in the manufacture of ready-made clothes and footwear, in retailing, and in catering. According to incomplete data, there are 530 private companies (compared with 1,000 previously) and 2,300 private stores in Novi Pazar. As most of these operate illegally, it is assumed that the private sector employs 20,000 people. The situation in Tutin, where wood-processing industry predominates, is much the same while in other Sandzak towns private enterprise is mostly confined to retailing and catering.

The Media

There are twenty-one electronic media (six television and fifteen radio stations), eight print media establishments (six information media and two literary journals), and one news agency in the Serbian part of Sandzak. Of these, six are state-owned, one is the property of the Islamic Community, and the rest are private. In spite of the large number of electronic media, the situation has not improved very much since October 5. Most private electronic media are purely commercial and lacking in distinguishable programmes, their air time consisting mostly of music interspersed with greetings and felicitations, cheap serials, and a minimum of local news. The only news broadcasts of many of these media are actually news rebroadcasts of Voice of America, Voice of Germany, Radio Free Europe, the BBC International Service, Radio B92 and TV B92, reflecting in most cases an anxiousness to launder a none too commendable recent past.

Although all these media are suffering from a shortage of good professional personnel, there is no evidence whatever that want to do something about it. Save for a number of state-owned media establishments which employ experienced and educated journalists, nearly all private media are staffed by young, inexperienced and uneducated people.

Radio Novi Pazar is the largest media establishment in Sandzak. It was established by the Novi Pazar Municipal Assembly in February 1972. In November 1996 the Assembly decided to integrate Radio Novi Pazar into Radio Belgrade's First Programme, and in February 1997 the station became a business unit within the RTS (Serbian radio and television) system. In February 2001 the RTS Managing Board decided to return Radio Novi Pazar to its founder, the Municipal Assembly, and the decision was carried into effect a few weeks ago under an agreement between RTS and the Assembly. Meanwhile, the Assembly had founded the Radio-televizija Novi Pazar public company, making it possible for the town to have its own television channel in addition to the private ones already operating.

Religious Radicalization

The global political situation since 11 September 2001 has added to the existing tensions in Sandzak, with the present government, especially federal, determined to exonerate the former regime at all costs by proving a connection between the Taliban and Mujahidin on the one side and the region's Muslims on the other. This effort is especially prominent in the media and the political vocabulary in daily use. Unfortunately, Islamic extremists are becoming visibly more active and are manifestly supported materially by certain Islamic countries, the opening of the Islamic Academy in Novi Pazar being the latest example of this assistance. Furthermore, more and more nurseries, day nurseries, schools, and boarding schools are offering Muslim children and young people services free of charge. Much of this is justified by the still unresolved status of minorities including the Bosniaks.

Orthodox Serbs are, of course, also becoming more radical. The latest example of this radicalization was the abuse of the Novi Pazar Secondary School anniversary, which was turned

into a commemoration of the cult of St Sava without prior notice. The gist of the address of the Orthodox priest invited to grace the occasion was a denunciation of atheism and a glorification of Christian spiritual education, this in a town with an 80 per cent Muslim majority.

Education

The present state of affairs is also due to the generally low educational standards characteristic of the region. The pupils are divided into two antagonistic camps because their school programmes are full of hate speech and untruths. The following examples are from the history textbooks for third-form secondary school pupils attending science-based courses and for fourth-form secondary school pupils attending arts-based courses (written by Nikola Gacesa, Dusan Zivkovic, and Ljubica Radovic, and published by Zavod za udzbenike i nastavna sredstva, Belgrade 2001):

“The Vatican’s policy too played a significant part in the “Yugoslavia syndrome”. The struggle against Orthodoxy and Orthodox Serbs was waged through the Catholic Church and its believers. The situation was almost a carbon-copy of that in 1941. The Serb population in Croatia was expelled by violent means and under pressure”.

“An almost identical situation obtained after April 1992 in Bosnia, where a religiously fanatical segment of the Muslim people (along with the Mujahidin who had arrived as volunteers from Arab and other Muslim countries) committed the same kind of crimes against Serbs, as well as Croats, that were perpetrated during the time of the Turkish occupation between the fifteenth and nineteenth centuries”.

“The big powers, as well as the Ustashas from the country and abroad, came down on the side of the Croats and Muslims, and against the Serbs. The Muslims in BiH had both moral and political support of Islamic countries as well as their plentiful financial, economic, and military assistance not only in weapons, but also in the arrival of the fanaticized volunteers - Mujahidin - from various Islamic countries. In the ranks of the Croatian soldatesque were mercenaries recruited from among the most hardened Ustashas and other criminals from all over the world”.

The situation in the schools is made worse not only by lack of competent teachers, but also by the frequent polarization of teaching staff on nationalist lines.

The schools themselves are in bad repair and lack equipment (the only secondary school in Novi Pazar has a few obsolete 286 and 386 computers). The introduction of religious teaching in schools last autumn has further divided and segregated the pupils.

Of the institutions of higher learning, the Faculty of Economics of Kragujevac, the Teachers’ Training College of Belgrade, the Senior Commercial School of Belgrade, and BK University of Belgrade have branches in Sandzak. All of them are operating in totally inadequate rented buildings, and the building erected to house the existing faculties has stood unfinished over the last two years owing to lack of funds.

The problems of young people, which are especially numerous and serious, would be easier to deal with if young people had somewhere to meet and to receive attention and guidance. The former Youth Club has operated for ten years as a cheap restaurant and gambling house, there is no bookshop for the town’s 100,000 residents, and film shows are about the only cultural events.

Non-governmental Organizations

There are about fifty non-governmental organizations in Sandzak. As most of them have been established over the past few months and have largely been inactive, the conclusion is that the civil sector in the region is rather undeveloped. In terms of numbers of NGOs and their activities, Novi Pazar with some thirty NGOs is ahead of other Sandzak towns, though only five or six of these NGOs are really doing something. Sjenica, Tutin, and Nova Varos have two or three NGOs each and Priboj and Prijepolje seven to eight each.

The main problems in the non-governmental sector are the immaturity of most NGOs, their unwillingness to co-operate, and lack of transparency in their work; the donors’ interest in the region seems to be confined to crisis-prevention; the local authorities and public and state institutions are still not willing to fully co-operate with NGOs; and there are no independent electronic media to monitor and support the construction of civil society and the role of the non-governmental sector in it.

Human Rights

A politically framed process lasting over a decade is yet to be resolved. In mid-1993 in Novi Pazar 24 Bosniaks were arrested and convicted of preparing to undermine in 1991 the territorial integrity of the state of the SFRY (criminal offence under article 116, paragraph 1 and criminal offence under article 138 of the Penal Code of the FRY). They were convicted of actions taken in May 1991-May 1993 period and sentenced to prison terms ranging from 1 year to 6 years. But those sentences were repealed and returned for review under 25 March 1996 Supreme Court decision. But only after five years, that is, on 10 January 2001 the new trial was scheduled. In other words for five years the convicted could not exercise their status and other civil rights (possession of passports, employment, job and career promotions, even replacement of their IDs). The four convicts spent in detention almost three years, the ten convicts were incarcerated for a year and a half, and all others were also detained. It is indicative that the criminal proceedings were instituted on charges of "actions taken against the state" in May 1991, when the SFRY was dismantled (and the new state was constituted only in 1992). That group of Bosniaks was not covered by the Amnesty Act.

Problems of the FRY citizens of Bosniak descent living in Priboj villages adjacent to the border began in the early stage of the Bosnian war. 241 families with 654 members were expelled from Priboj villages: Sjeverin, Batkovici, Zabrdje, MedjureCje, Sastavci, Zabrnjica and KrajCinovici lying in area between the FRY and B&H. Many locals have since returned to their villages, but currently have to cross border of Republika Srpska twice to come to work in Priboj. They must be in possession of the transit green card, in a blatant violation of cross-border regulations in place.

Once the right-wing groups became stronger in Serbia, they began desecrating the Muslim shrines and cemeteries. In August 2001 in centre of Plevlje the old Muslim cemetery was turned into the building material warehouse, because the municipality failed to deliver on its promise to put a fence around the cemetery.

In October 2001 "*Nedeljni Telegraf*" doctored interview given by Sandzak mufti, Muamer Zukorlic on the issue of mujaheddins and the terrorist attacks against the US. According to Zukorlic "the paper changed the meaning of my words and sentences, re-formulated them and inserted things which I have never said". As the weekly's editorial board refused to run Zukorlic's disclaimer he filed a label lawsuit against the weekly with the First Municipal Prosecutor's Office in Belgrade. In November citizens of Novi Pazar staged protest rallies against the municipal decision to tear down two ancillary buildings to the religious school in the mosque's courtyard. On the fence of the mosque citizens put up a poster with the following text: "Yank down strip-tease bars and whorehouses, but don't touch Vakuf".

Status of refugees in Serbia

Issue of refugees, one of the key moral, political and economic topics in Serbia, continues to be sidelined. One gets the impression that the new authorities, like the former regime, use refugees only to further their own ends or for promotional purposes. Status of refugees in Serbia after DOS installation has not improved much, despite authorities' pledges that refugees would become a top priority/concern of the state and society. It was moreover publicly stated that refugees would have the right to decide whether they want to stay in Serbia or return home. It was stressed that "added to all assistance of domestic and international humanitarian organisations, the state must take care of refugees" (Vice Prime Minister of Serbia Zarko KoraC, "*Politika*", 28 February). Much media exposure is given to refugees, but very little was done in practice to alleviate their problems. Objectively their status is exacerbated by a grave social and economic situation in Serbia.

None of the newly-emerged states have taken important measures to resolve the plight of refugees and displaced persons. Moreover elaborate strategies for final resolution of the aforementioned problem are not in place. Only short-term moves are taken and they mostly serve political purposes.

Return of refugees is a regional problem. Until its final resolution the issue of refugees shall be manipulated domestically and may cause new discords and conflicts.

In 2001 there were hints at an accelerated normalisation of relations with the neighbouring countries (Croatia and B&H). Negotiations were held. Presidents of the FRY and the Republic of Croatia Vojislav Kostunica and Stjepan Mesic agreed in Verbania in Italy that normalisation process should be boosted. In their joint statement they indicated that all obstacles to return/repatriation of refugees and displaced persons (*Politika*, 9 June) should be eliminated. Prime Minister of Serbia Zoran Djindjic and President of Croatia Stjepan Mesic, during their Salzburg meeting, urged renewal of co-operation (RTV, B92, 2 July 2001). The most important

bilateral result in that regard was signing and ratification of Agreement on Pension, Disabled and Health Insurance.

Lesser cosmetic changes were made and some shortcomings in collective centres have been removed. But situation in most of them is still alarming. Premises are overcrowded. Hygiene is at a very low level. Food is of poor nutritional quality, and often inedible. All this prompted refugees to protest against such appalling conditions of life. For example 205 refugees from Croatia, B&H and Kosovo, accommodated in Hotel "Park" in Nis staged a hunger strike. "For 10 months now we have been starving for they give us only macaroni, salty tea and some canned food. Many people are sick, anaemic and exhausted, and children has skin rashes. This is a silent liquidation of Serbs who have already been victims of war", assessed refugees and accused the authorities of using food aid destined to refugees for other purposes (*Danas*, 12 October 2001).

Only minimal humanitarian assistance is provided. Secretary of the Red Cross of Serbia Brankica Bilbija stated that the leading foreign humanitarian agencies have adopted more restrictive criteria for aid granting. Consequently the number of displaced persons meeting those criteria was downscaled from 120,000 to 80,000 persons. Red Cross beneficiaries of foreign aid are: 168,586, refugees 80,000 internally displaced persons from Kosovo and 146,000 socially destitute citizens of Serbia (*Danas*, 28 September). But even that minimal aid was abused. Zurich-based daily "Fekst" on the basis of a confidential report of Consulting and Auditing Company "Ernest and Young" disclosed that the Yugoslav Red Cross and the Red Cross of Serbia in January 1999-May 2000 embezzled around \$ 4.7 million worth of aid provided by EU, ICRC, UNHCR and the WFP (*Borba*, 12 April 2001).

High Commissioner for Refugees Sandra Raskovic Ivic confirmed that there were different abuses in the Commissariat, and that the old management owed DM 25 million to the Health Fund (*Danas*, 6 June, 2001).

Amendments to the Act on Citizenship laid down that refugees were entitled to dual citizenship, Yugoslav and citizenship of any newly-emerged state in the territory of the former Yugoslavia. In practice all those who have opted for dual citizenship stopped receiving humanitarian aid and became beneficiaries of social welfare.

Refugees' Associations disclosed that in 1991 over 1,000 refugees committed suicide on the following grounds "depression, lack of job opportunities, penury, and refugee life-related traumas. The state did very little to alleviate the refugee life, and it furthermore maintained that it did not have funds for subsistence of half a million refugees. Majority of suicides were committed in the collective centres" (*Glas javnosti*, 25 July 2001).

In their statements and interviews to media, representatives of authorities gave priority to integration and encouraged refugees to opt for staying in Serbia. Therefore they consciously put the option of the return on the back burner. They justify the integration strategy by results of the 2001 refugee census-taking. Then, many refugees due to a poorly formulated questions apparently opted for staying in Serbia. But findings of the Helsinki Committee showed refugees would overwhelmingly opt for return, if conditions relating to their return were enhanced in Croatia. But it seems that the state intends to continue to manipulate this group, notably because of money to be invested in the return project (in all likelihood to be implemented by the state), that is funds obtained by reinstatement of tenancy rights. According to the Republican Commissioner for Refugees, Dr. Sandra Raskovic-Ivic, donors have earmarked for local integration about \$ 25 billion (*Beta*, 28 May 2001).

This year's census covered 470,000 expellees from Croatia and B&H and between 230,000-250,000 IDPs from Kosovo. The largest part of them are accommodated in Vojvodina, while the largest part of refugees, nearly 150,000 of them, live in Belgrade. According to Dr. Sandra Raskovic-Ivic, only 4%-7% of them opted for repatriation (*Glas javnosti*, 6 June 2001). Djordje SCepanovic, the Montenegrin Commissioner for Refugees, stated that in that republic there were only 15,000 refugees and 32,000 internally replaced persons, and that they made up 7% of the total population of Montenegro. According to Maki Shinohara, the UNHCR spokeswoman in Belgrade, in the FRY there are 390,000 expellees from B&H and Croatia. In comparison with the 1996 census, the number of refugees fell by 30%. She added that 5% of refugees opted for repatriation (*Vjesnik*, 8 June 2001).

Refugees from Kosovo are in a very difficult situation. They are accommodated Serbia-wide in inhabitable camps, abandoned houses, cellars, shanty-towns. They don't receive enough aid. Children of Kosovar Romany refugees don't go to school. Currently they cannot go back to Kosovo.

Croatia, B&H and the FRY signed last year in Brussels an agreement designed to resolve the problems of over one million IDPs and refugees in the region. "A series of bilateral initiatives are intended to ensure resolution of problems of the remaining 490,000 refugees and 760,000

IDPs", reads the Stability Pact communique. Croatia, B&H and the FRY made commitments to help refugees who wanted to stay in their current places of residence (*Vjesnik*, 29 June 2001).

If the international community and other interested parties make concerted efforts to facilitate a proper repatriation, they should in parallel back the repatriation process by investing in the following measures: housing (repatriation and restitution of property) material existence (jobs, loans) and safety guarantees (this is not a salient problem, but sporadic harassment of returnees must be eliminated and sanctioned). Discouraging news in this regard is partial and insufficient humanitarian aid.

Problems related to repatriation to the Republic of Croatia

Department for Expellees, Returnees and Refugees of the Croatian Ministry for Public Works, Reconstruction and Construction, disclosed that 288,090 citizens returned to Croatia, either to their homes or alternate accommodation. Of that number 200,072 are Croats who have been internally displaced in other, conflict-free zones of Croatia. To date has been also registered the return of 80,000 Croat citizens of Serb nationality. The document of the aforementioned Department specifies that repatriation has decreased when likened to its more massive extent in 2000. The reason thereof is the following: potential returnees are in fact families whose houses have been totally destroyed, families awaiting restitution of their property or new accommodation, and a large number of elderly, sick and disabled (Agency STINA, 2001) .

It is very difficult to assess the exact number of returnees. Different bodies and organisations release different figures. Petar Ladjevic, President Kostunica's adviser for refugees-related issues maintains that "in co-operation with the UNHCR and NGOs dealing with refugees issues, we have estimated that the figure of returnees to Croatia does not exceed 45,000" (*Blic*, 11 September 2001). President of SDF in Croatia, Veljko Dzakula estimates that of 350,000 Serb refugees only 50,000 to date returned to Croatia. That figure differs from the one released by the official Croatian bodies. According to Dzakula that disparity is due to the fact that the Croatian authorities register all returnees, but not those who leave Croatia anew (*Tanjug*, 21 September 2001). OCSE office in Croatia also contests the official Croatian (returnees) figure, for its representatives maintain that "there are still many obstacles to refugees' repatriation".

Representatives of Croatian authorities frequently appeal to refugees to return and become loyal citizens of their homeland. That gave them much hope, but circumstances of realisation of that return were quite discouraging. President Mesic spearheaded the pro-return campaign and he put across the following message: "we shall continue to create conditions for the return of all our citizens who in the past decade were expelled or displaced. By enabling their return and ensuring them a peaceful and dignified life in their homeland, we prove the maturity of our democracy and consolidate the democratic foundations of Croatia. The culprits may not go unpunished, regardless of their genuine or imagined credits, regardless of their past and present positions. And the innocent ones ought not to be discriminated on any basis nor stripped of any rights accorded to them under Constitution and Laws of the Republic of Croatia" (STINA). Although at play are political preconditions which have burdened Croatian-EU relations for years, government of the Republic of Croatia is yet to resolve the issue of repatriation, that is of legal regulations. What is needed is the repeal of legal provisions discriminating against refugees, that is their repatriation or restitution of their property. The fact that Croatia avoided to tackle the said issue prompted the OSCE to write a negative report, which was later backed by the US and EU (National, 2 August 2001). EU Annual Report on Human Rights (1 July 2000 -31 June 2001) was also critical of Croatia's human rights record, notably of a slow repatriation of refugees (*Beta*, 8 October 2001). Findings of poll conducted by "Target Agency" also indicated negative stance of Croats on repatriation of Serb refugees. 34% of respondents were against the said repatriation. Only respondents from conflict-free areas expressed the view that everyone has the right to return to his/her home (*Blic*, 3 September 2001).

Once refugees decide to go back, they often encounter the following problem: they cannot go back to their homes, and until they are accorded the right to move into their homes and houses they are offered accommodation in collective centres in the Republic of Croatia. Their property (to be restituted to the original owners, according to Lovre PejkoVIC, the Croat Minister for Recovery and Construction, *Blic*, 13 September 2001) under decision of Croat authorities is currently used by Croat citizens from other parts of the country and refugees from Bosnia and Herzegovina. According to the Action Plan of the Croat Government, the housing issue of Serb refugees from Croatia and of Croats from B&H who settled in Croatia after 1995, should be resolved by the end of the next year. PejkoVIC warns of justified and unjustified resistance, eviction from the seized facilities. He also stressed that unlawful tenants shall be evicted for "Government's decisions must be respected" (STINA). Croatian authorities have not taken a uniform stand on the resolution of

property issues. For example Public Prosecutor Ante Klarić accuses Croat government of having failed to take necessary measures for an accelerated restitution of Serb property in Krajina and stresses in his annual report submitted to the Croat Parliament that the issue of repatriation of Serbs is a key political, strategic and economic issue of Croatia. "The Republic of Croatia and its citizens may profit from the return of Serbs to emptied/cleansed areas", underlined Klarić (*Vjesnik*, 14 June 2001). Some international observers also stress that returnees face many problems, notably, that their property cannot be restituted to them until current tenants are not provided an alternate accommodation.. They also point out that "in Croatia private property is guaranteed under Constitution and pertinent property laws, although in practice this is not the case" (STINA). High Commissioner for Human Rights Mary Robinson warned Croatia to speed up repatriation of refugees and restitution of their property (TANJUG, 8 October 2001).

According to statements of returnees the current "reconstruction conditions" are not satisfactory. President of the Serbian National Council (SNC) Dr. Milorad Pupovac assessed as demagogic assertions of the aforementioned Croatian Ministry that "we are not reconstructing houses of Serbs and Croats, but houses of Croatian citizens". Pupovac maintains that only 10% of 20,000 destroyed houses were reconstructed, which means that that process could last another 10 years (STINA). President of SDF, Veljko Džakula stressed that Croatia's participation in reconstruction of Serb houses is symbolic and that most reconstruction was effected with UNHCR, EC and Norwegian, German, Italian and US NGOs assistance.

Tenancy rights are a salient problem. Croatian authorities deny the refugees' right to return to their flats or buy them because they have not lived in them "for over 6 months". Although in November 2001 the Supreme Court of the Republic of Croatia annulled that discriminating decision taken during the rule of the Croatian Democratic Community, representatives of pertinent authorities don't intend to reinstate tenancy rights. According to Sanda Rasković, Serbian High Commissioner for Refugees, provisions of that law are not binding on Croats, for in the Croatian Danube Area Serbs were evicted from flats slated for restitution to Croat owners. Croat officials, notably Prime Minister, Ivica Račan, energetically deny the possibility of reinstatement of tenancy rights to Serbs. Vice Prime Minister Zeljka Antunović opposes reinstatement of tenancy rights to Serbs, and the possibility of effecting damage compensation to Serbs, for "they have voluntarily abandoned Croatia, and by leaving their apartments lost the right to return" (*Blic*, 19 November 2001). The Croat government committed itself to compel all competent ministries and other state institutions to restate to all Serbs in Croatia (returnees and non-returnees) their property by 31 December 2002. That decision also covers reinstatement of tenancy rights, although it is not explicitly mentioned in conclusions of the Croat government. OSCE representatives and other international organisations continue to urge the Croatian government to urgently resolve that issue by passing legal provisions similar to the ones in place in B&H. In other words Serb refugees must be ensured equal rights to purchase of flats to which they had had tenancy rights before they left Croatia. OSCE's position is that tenancy rights, of which refugees were stripped, are a property matter, and should be treated as such in all cases of returnees. The issue of lost tenancy rights, is not only related to human rights, but also to repatriation. Parliamentary Assembly of Council of Europe in its Resolution 1223 adopted recommendations of governments to carry out comprehensive reforms of legal regime related to property issues, including the issue of tenancy rights in the whole territory of Croatia, and not only in areas funded by the state (STINA). Sandra Rasković-Ivić maintains that representatives of Croat authorities avoid signing of trilateral agreements which, with assistance of European countries, would provide for repatriation of refugees. Ivić went on to note: "Tenancy rights are a major problem....there are 50,000 flats in Croatia whose previous users were Serb civilians or the YPA officers. In the meantime those flats were purchased and those purchases were duly registered. Croatia suggests that those flats be leased to refugees for a 10-year period. That idea in fact backs ethnic-cleansing, for it equalises tenancy right with ownership, and those who lost their flats must be compensated in a way" (*Danas*, 2 June 2001). According to SDF President Veljko Džakula "between 35,000 and 50,000 Serb refugees count on restitution of tenancy rights" (Tanjug, 27 September 2001).

Over 50% of refugees are yet to resolve the issue of Croat citizenship, which in turn prevents them from exercising the right to return and the right to resolution of property issues in their homeland. Applications for travel documents, pensions, years of service, ownership, cannot be resolved without Croatian passports. Procedure of granting Croat citizenship, after regular application-submitting in RC consulates in the FRY, lasts longer than stipulated. Yugoslav authorities are not interested in returning citizens' books taken out of Croatia in the wake of offensives "Storm" and "Flash" to pertinent municipalities in Croatia.

A salient problem is still economic sustenance of returnees to Croatia. Foreign donations, loans and investments in infrastructure, agriculture, cattle-breeding and industry are needed.

A problem too are secret arrest warrants. The Hague Tribunal thinks that those warrants should be transparent, for all perpetrators of war crimes must be called to account, while innocent refugees should not be hostages to them. It is necessary to corroborate evidence against Serbs, war crimes suspects, and revise judgements in order to allay doubts that they were tried only because of their ethnicity. According to media coverage every month at least one returnee is arrested. This intimidates potential returnees. Their fear is compounded by incidents like the one in Orolik: a Croat in Orolik killed on a plot of land his fellow-local of Serb ethnicity because "at the time when the Hague Tribunal issued indictments against several Croat generals an old man was torched in Kistanje, near Knin". Then the Croat police on the basis of the aforementioned arrest warrants apprehended a Serb, Natasa Jankovic, a citizen of Republika Srpska, which after four months in custody, was released from Slavenska Pozega prison and all charges against her were dropped (RTV B92, 13 June 2001). According to "Veritas" Jankovic was one of 4,396 Serbs charged with war crimes by the Croat authorities. Of that total number, according to data released by the State Prosecutor, in May 2000, 554 persons were convicted (*Blic*, 3 February, 2001). 18 war crimes convicts in the Osijek District Prison, mostly Serbs, went on a hunger strike. In their letter to public at large they stated "the hunger-strike is our protest against discrimination of Serbs, secret indictments, trumped-up charges, framed trials, non-implementation of Erdut, Granic-Jovanovic and other agreements to which the Republic of Croatia committed itself". They also demanded talks with representatives of judicial bodies of Croatia, representatives of the Hague Tribunal in Zagreb, representatives of the Croat and international organisations for protection of human rights, and representatives of Serb institutions in Croatia (*Politika*, 5 June). Apprehended are also Serbs who could have been arrested much earlier. The Croat police arrested Zeljko Lozanovic and Desimir LaCanin from Branjina in Baranja. They are both suspected of having committed genocide during the war. Lozanovic, born in 1957, was apprehended in his house, while LaCanin (1965) was arrested in the Osijek hospital, to which he took his injured mother for treatment. Both of them since the end of war lived at the same addresses in Branjina and were accessible to police (Tanjug, 13 June 2001). Spokesman of the UN Mission for B&H regions of Banjaluka and BihaC Alun Roberts confirmed that the Croat police arrested Serbs, Dragan Jakovovic (41) from Glina and Ranko Kajganic (41) from Vrgin Most. Head of "Veritas" office in Banjaluka, Milorad Pribicevic, stated that Jakovovic in absence was sentenced to 20 years in prison. The Sisak District Court tried in absentia Jakovovic for a war crime committed in village Maje, near Glina, on 18 August 1991, and found him guilty. According to Pribicevic Jakovovic went to Glina to see his house (*Glas javnosti*, 8 February 2001) Dragutin Sekljuca (70) was arrested in Podravska Slatina. Dragan Radjenovic was accused of alleged "maltreatment of POWs in the area of former Republika Srpska Krajina" and transferred to the Sisak prison. Dragutin Sekljuca was accused of shelling "with members of the Serbian paramilitary forces" several villages in the vicinity of Podravska Slatina in September 1991 (*Novosti*, 24 February 2001).

In commenting arrests of Serb returnees, Petar Ladjevic, President Kostunica's adviser for refugees issues assessed that "the main hurdle to return of Serbs to Croatia is a poor security situation mirrored in frequent arrests of Serbs. The latter in Eastern Slavonia not only thwart repatriation, but also boost new "emigrations" of Serbs from those areas. According to Ladjevic's words "in Croatian prisons there are currently 86 Serbs, 51 of whom received final sentences. In the first three months of 2001 19 people were arrested. Most of them are innocent". Savo Strbac, President of Documentation-Information Centre of "Veritas" some time ago launched an initiative for forwarding convicts-related documents to the Hague Tribunal. He recently stated "the fact that the Hague Tribunal also refused to deal with those documents convinced me that most of them are innocent". International organisation for Arrestees and Missing suggested a probe into all cases of those convicts and also the release of innocent individuals. Ladjevic said that it was a good idea (*Blic*, 29 March 2001). President of the SNC Pupovac stated that the "way in which Serb war crime suspects in Croatia were tried discredits the idea, institute and sense of punishing war criminals". He added "Croatia has most convicts and indictees. Croatia's judiciary full serves the purpose of ethnic cleansing and retaliation". He furthermore accused Belgrade dailies "*Politika ekspres*" and "*Ilustrovana Politika*" which published a feature on lists of alleged indictees of "joining a special war whose goal is encouragement of further persecution and thwarting repatriation of Serbs" (*Pravi odgovor*, 11 July 2001). He stressed that he favoured revision of those all the aforementioned cases, that is both of convicts serving sentences, those sentenced in absentia, and indictees. "There are so many cases characterised by serious errors, that they should be also subjected to the Amnesty Act" (STINA).

UN High Commissioner for Human Rights, Mary Robinson, in its annual report accused Croatia of "breaches of minority rights and inefficient judiciary. Returnees encounter difficulties in having their property restituted to them, and laws are enforced arbitrarily notably in cases of war crimes trials" (*Blic*, 5 December 2001).

The Hague Trial agreed to greenlight domestic trials (in Croatia) of some war crimes suspects. The District State Prosecutor in Rijeka filed indictment against retired Croat general Mirko Norac, former Secretary of the Crisis Headquarters for Lika, Tihomir Oreskovic, former military Commander in Perusic, Stjepan Grandic, and against Ivica Rozic and Milan Canac, suspected of committing crimes against civilians in Gospic. The District Court in Rijeka completed investigation against them. The communique signed by the Croat State Prosecutor Radovan Ortinski reads: "indictees are charged with having ordered killings of civilians and having personally committed some of those killings in 14-25 October 2001 period in the Gospic area. Then 24 unidentified and identified persons were killed. The indictees have committed crimes against humanity and civilian population (*Novosti*, 6 February) But even after 10 months they have not been brought to justice. Trials are delayed, and indictees demand exception of some judges. Such a farce calls into question efficiency of the Croat judiciary, and causes insecurity among and mistrust of the Serb community in Croatia".

Refugees are also alarmed by the news that after the issue of the official indictment against the Croat general Ante Gotovac, accused of war crimes against Serb civilians in the offensive "Storm" he was proclaimed an honorary citizen of Zadar and Split.

Repatriation is obstructed in different ways. Property of Serb returnees is mined, and they are shot at in isolated incidents. Unidentified group of men fired a barrage at the house of returnee Glisa KolundzoCa, in Kakma, near Zadar. At the last parliamentary elections KolundzoCa was an SDF candidate "It is assumed that he was attacked because of his activities related to reconstruction of houses of Serb returnees" (*VeCernji list*, 1 June 2001). In several instances farms of Serb returnees to Vojnica were mined. Such incidents alarmed local Serbs. "Six persons were killed, including a policemen engaged in investigation, and not a single case was solved. Due to continuing danger, reconstruction of 100 houses and electrification of Vojnica were suspended" (Tanjug, 27 October). Although those incidents were reduced, they still affect potential returnees and those who have returned to Croatia.

Refugees from B&H

Refugees from B&H don't face any problem regarding return documents, for they can travel to B&H with refugee IDs. Most massive return is still to Republika Srpska.

Returnees face the following problems: property restitution, insufficient economic revival in regions to which they are returning, slow reconstruction of their houses. When the competent bodies breach rights of returnees those cases are dealt with by the office of High Representative for B&H Wolfgang Petrich. But repatriation process is nonetheless obstructed.

The BrCko District is currently the most prosperous part of Bosnia and Herzegovina, primarily thanks to the international community efforts. The latter has bankrolled public spending, geared many investments to the area and put in place attractive legal solutions in this practically third B&H entity in which Bosniaks, Serbs and Croats cohabit. The BrCko District could become an economic and political model for B&H. Its economic attractions are low taxes, incentives for foreign investors, close co-operation with both B&H entities and neighbouring countries. Its political attractions are equal representation of Bosniaks, Serbs and Croats in administrative bodies. Practically, factually and legally there are no minorities in the District. Although this "ideal government and order" is yet to be fully implemented in BrCko, this district has gone the farthest in joint, trilateral management and co-operation.

But obstruction of repatriation is rife. Banjaluka bishop Dr. Franjo Komarica stresses that "both RS authorities and international officials are aware of the fact that in the 6 post-war years, of a total of 220,000 Croat refugees and IDPs from RS, only over 5,000 returned to their homes. He also maintained that "the Ministry for Refugees and IDPs of Republika Srpska protects provisional users of refugees' property" (STINA).

Alliance of Refugees and IDPs of B&H insists on adoption of a uniform repatriation strategy for 2002 at the state level in order to create preconditions for uniform enforcement of property laws, and to pave the way for elimination of the system of double users of property, and still present political barriers in the process of return. The Alliance stated it would adhere to those guidelines in 2002 in view of the fact that over 500,000 people are yet to be reinstated their property. It also indicated that "better co-ordination between entities is needed, that is, the state should handle all the pertinent problems" (STINA).

It is necessary to ensure funds for re-integration of returnees, for many of them when faced with poor job prospects opt for the sale or exchange of their property. Helsinki Committee for Human Rights thinks that that added to activities within B&H, it is necessary to adopt a regional strategy, that is to accelerate repatriation activities within the triangle B&H, Croatia and Yugoslavia.

In Croatia there are 22,019 (20,500 from B&H) refugees protected and funded by the Ministry for Public Works, Reconstruction and Construction. Majority of refugees are from the Serb entity in B&H. In Croatia there are at least 120,000 citizens of B&H who have lost their refugee status, having been granted in the meantime Croat citizenship and accommodation (*Vjesnik*, 8 April 2001).

Croatian Minister for Reconstruction and Construction Lovro Pejkovic disclosed that the government of the Republic of Croatia decided as early as in the spring of 2001, to allocate 20 million KUNA for purchase of building material intended for reconstruction of Croat refugees' houses in B&H in a bid to boost their repatriation. For example in the Sava river villages of Bunar and Modran, near Plehan, in the vicinity of Derventa 50 houses shall be revitalised. The project is also funded by the UNDP, through a Japanese government donation and Republika Srpska (STINA).

Since 1992 450,000 Croats from B&H came to Croatia. But, according to President of Community of Croat Settlers, Tomo AraCic, one third of them subsequently emigrated to European countries, Australia and Canada. He also stressed that Croats from B&H had adaptation and job problems in Croatia (*Vjesnik*, 16 July).

There is interest in repatriation to B&H. International community funded reconstruction of 150 houses of Serb returnees in municipality Dvor on Una. In Croatia, that is in Kostajnica, reconstruction project involving 30 houses is well under way. Earlier houses belonging to the 6th category of damage have not been reconstructed. Priority is given to Serbs willing to leave houses of Muslims and Croats in B&H and return to their houses in Croatia (Info Pool, 4 July).

Tactic of delayed return to all entities of B&H is floundering, for the international community has run out of patience, that is, is no longer willing to put up with "the Balkans unlimited games". In those terms it should also neutralise all efforts of nationalists to maintain the untenable status quo. Unless repatriation and restitution of property are boosted, there shall be no economic prosperity and political stability in the pertinent areas of B&H and Croatia in the near future.

Refugees from Kosovo

Refugees from Kosovo still belong to the most vulnerable group. According to some estimates it is thought that some 230,000 people have been displaced from Kosovo.

A certain number of Kosovo refugees, mostly Romany, have not registered with the official bodies. Hence they don't receive humanitarian aid in kind. They are in the most difficult situation. Romany from Kosovo are mostly accommodated in shantytowns lacking the most elementary living conditions. They face a lot of problems: non-existence of social and medical care, their children don't attend school regularly. The latter is caused by reluctance of Romany parents to send their children to school; they prefer to have them working odd jobs.

Poor economic situation is reflected on the status of refugees. Refugees accommodated in collective centres are in a real predicament. Likewise those staying with the host families, mostly relatives and friends. One can say that only a very small number of refugees have managed to create a decent life in the new environment. And they are mostly those who have managed to sell their property in Kosovo and purchase new house or flats in Serbia. And to that group belong many former key power-holders in Kosovo of Serb descent.

Refugees from Kosovo, like earlier ones from Croatia and Bosnia, are being instrumentalised by the Belgrade politicians, who are in this way trying to become key players in the resolution of the Kosovo crisis. There is a lot of manipulation regarding the process of return of refugees-after signing of the Haekkerup-Covic Agreement and the Kosovo elections. Current authorities in Belgrade try to shift responsibility for the poor status of Serbs in Kosovo on the international community and Albanians, whereby they ignore the absence of propitious conditions for the implementation of the return plan. Representatives of the non-Albanian communities have legitimate representatives in the newly-established Kosovo Parliament. Although it is only realistic to assume that the problems of non-Albanian national communities in Kosovo, and notably problems of refugees-internally displaced persons from Kosovo should be tackled by the Kosovo institutions, the federal and republican authorities continue to publicly interpret the Haekkerup-Covic Agreement as if the issue of status of Kosovo has been resolved to the benefit of Serbia and Yugoslavia. But in fact Belgrade is doing its utmost to maintain the *status quo* and to provide for the division of Kosovo. That is why the attempt of the federal and republican authorities to present themselves as the only relevant factor in resolving the issues of displaced Kosovar Serbs and other non-Albanians is often contrary to their genuine interests.

Refugees-related legislation of the Republic of Croatia

Legal, sub-legal (administrative) provisions and acts of the Republic and Croatia, and judiciary and numerous administrative decisions frequently breach fundamental human rights of members of Serbs nationality, notably refugees-returnees to Croatia. Such violations are also intended to obstruct repatriation/return of Serb refugees to Croatia.

Tenancy rights

There are no precise data on number of refugees stripped of their tenancy rights in the Republic of Croatia. The most drastic figure was put forward by the OSCE at the "Seminar on Practical Implementation of the EU Convention on Human Rights by the Internal Property Law of the Republic of Croatia" held in Belgrade on 22-23 October 2001. In its "Special Report on Occupancy/Tenancy Rights in Croatia" presented to the seminar participants, OSCE estimated that between 50,000 and 60,000 holders of tenancy rights lost that right in the Republic of Croatia since 1991. That estimate was given to the OSCE by several NGOs, but their names were not mentioned in the report.

What can be certified is the fact that "20,000 individuals were stripped of tenancy rights" by judicial decisions taken in the Republic of Croatia, under the 1985 Law on Housing Relations (NN 51/85) which envisaged termination of contract on lease of flats in "case of non-occupancy of those flats by the tenancy right holders in the period of over 6 months". Proceedings were conducted in absence of defendants, although they were represented by special-case proxies in a bid to fully observe the procedure.

In passing judgements on termination of contracts on the flat occupancy, courts of law never investigated circumstances under which holders of tenancy rights left the flats in question, that is failed to take into consideration the fact that those holders had to leave their flats under threats of physical liquidation, pressure and intimidation.

To the group of 20,000 people who lost titles to their flats belong also individuals covered by the "Act on Amendments to the Housing Relations" which took force on 15 April 1992. Amendment (102 a) to article 102t lays down that: "judicial decisions shall strip of tenancy rights those persons who have taken part in hostile actions against the Republic of Croatia".

In 1995 the Republic of Croatia passed the Act on Lease of Flats in Liberated Territories. The Act took force on 21 September 1995. Under the said Act holder of tenancy right loses ex lege the occupancy right if he/she fails to use/occupy it for 90 days. As the aforementioned Act covered areas of former, so-called Republika Srpska Krajina, that is Sectors East and South, almost all holders of tenancy rights who have fled Croatia in the wake of operations "Storm" and "Flash" after 90 days ex lege lost their tenancy rights. Those flats were leased to other individuals, who after three years were entitled to purchase them. The aforementioned Act was repealed in 1998, that is less than three years before the posterior right could be claimed.

Former UNTAES was formally returned to the Croatian fold only on 15 January 1998. As the tenancy rights by then had been replaced by the right to lease the state-owned flats, under the Act on Lease of Flats effective as of 11 October 1996, the Republic of Croatia, through its Decree on Management of Flats in areas of special state interest (25 November 1999) practically preserved tenancy rights of all holders of those titles in the Danube area of Croatia. Those title holders, mostly Croats, fled during armed conflicts. Under the said Decrees they were reinstated their rights, while title holders beyond the said area, were simultaneously stripped to those rights.

Certain number of former title holders, whose occupancy contracts were terminated, are trying through an emergency legal remedy "Application of Renewal of Proceedings" to have the aforementioned judicial decisions reversed.

Restitution of property

Returnees, owners of flats and houses "temporarily occupied by other persons" file applications for restitution of their property to metropolitan/city and municipal housing commissions. Within 7 days from receiving such applications and presentation of ownership title-related documents, those commissions are duty bound to suspend decisions on temporary occupancy. New pertinent decisions must be submitted to flat or house owners and persons temporarily accommodated in them.. Moreover the Commission is also duty bound to notify the latter of eviction deadline and to offer him/her a corresponding alternate accommodation. If neither the commission nor the owner can provide an alternate accommodation, the former is duty bound to notify of the aforementioned the Commission for Implementation of IDS, Refugees and Expellees Accommodation Program.

If the Commission or the owner provide for alternate accommodation of a temporary tenant, and he/she does not leave the lodging within the deadline, the Commission may file an application for his/her eviction to a court of law within 7 days, and that court thereafter takes a summary and final decision.(1)

As very often neither the Commission nor the owner are in the position to provide for temporary accommodation of temporary tenants, it may take even several years to effect evictions.

Decree issued by the President of the Supreme Court of the Republic of Croatia, forwarded to all courts in the territory of the Republic of Croatia represents the most flagrant breach of the refugees property rights. Namely the Decree spells out that in cases of claims to ownership by lawful owners the Program of Repatriation and Accommodation of Refugees, IDPs and Expellees must be enforced as *lex specialist*, instead of the Act on Ownership and other Legal Matters of the Republic of Croatia. In this way refugees were in an unlawful way stripped of their right to active legitimisation, which they enjoy under Constitution as a measure of protection of their property. That right, in the most absurd way, was vested in (delegated to) the housing commissions under the Repatriation Program.

The next example should illustrate how the aforementioned provisions are implemented:

* B.S. citizen of the Republic of Croatia, from Donji Rajici, Vukovarska 103, Municipality Novska, with temporary residence in Donji Rajici, Vukovarska 88, after military operation "Flash" fled to village Korod in Podunavlje, and moved into the house of a Croat expellee. After re-integration of the Danube area, B.S. three times submitted his property (Donji Rajici) restitution claim. But he was not granted the refugee status as his house was temporarily occupied by a B&H refugee. B.S. is temporarily accommodated in the house of his neighbour.

He submitted his first property restitution claim on 3 March 1998 to the city of Novska Housing Commission. The said Commission decided that B.S. be restituted his property, a family house, while a temporary tenant was provided an alternate accommodation.

As that temporary tenant declined to move out, B.S. lodged a complaint to the Novska Municipal Court, and started proceedings for the sale of his house. His complaint was rejected on the following grounds: "B.S. is not authorised to file an eviction claim nor to institute proceedings for the sale of the disputed property". The court in question ruled that "special property take-over and eviction proceedings must be applied in case of the disputed property...namely only when temporary tenants are provided an alternate accommodation, the commission, and not the owner of property, may file an eviction claim and the one for restitution of owner's property".

B.S. appealed against the Novska Municipal Court decision to the Sisak District Court on 15 September 1999. The court dismissed the appeal as "ungrounded" and confirmed the second-degree judgement. In its reasoned opinion in writing it stated that the first-instance court rightly enforced provisions of the Act on Property, and article 9 of the Program of Repatriation and Accommodation of IDPs, Refugees and Expellees.

B.S. has been waiting for three years now for restitution of his property.(2)

Compensatory damage

In 1991 and later in all areas of the Republic of Croatia, according to estimates of NGOs, several thousand Serb houses were mined.(3) In 1996 the Croatian Parliament amended Article 180 of the Act on Mandatory Relations, thus relieving the state of responsibility for consequences of terrorists acts which the state bodies were duty bound to prevent. This meant that the Republic of Croatia factually and legally liberated itself of compensatory damage obligation towards owners of the mined houses. Pursuant to the aforementioned amendments to Article 180 of the Act on Mandatory Relations, competent courts suspended all pending and ongoing compensatory damage proceedings. This was a flagrant breach of human rights of the aforementioned property owners, and also a move designed to further obstruct return of Serbs to Croatia. Once they have exhausted all domestic (Croat) legal recourses, the last legal remedy to which they can resort is institution of proceedings before the European Court for Human Rights in Strasbourg.

*A.K and V.K in 1944 filed compensatory damage claim with a Municipal Court in Zagreb (their family house in Bjelovar was totally destroyed in a mine explosion on 26 November 1991). The lawsuit ended after 7 long years, when in April 1998, that court suspended all the proceedings on the basis of amendments to article 180 of the 1996 Act on Mandatory Relations. In 1999 A.K and V.K filed a lawsuit against the Republic of Croatia before the European Court for Human Rights in Strasbourg. Recently that Court ruled that the case was admissible, which means that the court shall deliberate it in due course.(4)

The fact that this case was taken on by the Strasbourg court is tantamount to a precedence. In fact it means that in the future all owners of destroyed property shall be able to seek legal protection from this court, if they cannot get it in the Republic of Croatia.

Reconstruction of property

On 15 March 1996 the Republic of Croatia passed the Law on Reconstruction, while the Acts on Amendments to the Law on Reconstruction were passed on 28 June 1996, 2 October 1996 and 1 June 2000 respectively. Procedure for Filing Reconstruction Claims ended on 31 December 2001. The right to reconstruction have all Croat citizens or holders of residence permits in 1991, who are owners, co-owners, and protected leaseholders of property destroyed in war. The aforementioned acts determine the procedure of implementing reconstruction process, bodies authorised to register those claims, deadline for passing decisions on the right to financial assistance in the process of reconstruction, deadline for filing appeals against the first-instance judgement, bodies authorised to pass decisions related to appeals. The Acts also include a provision on enforcement of provisions of the Act on General Administrative Procedure, unless the Law on Reconstruction determines otherwise. Thus conceived procedure enables administrative bodies to obstruct and delay in various ways reconstruction of destroyed property.

*B.V. from Pakrac, Ivana Gorana Kovačica street no. 10, since 12 February 1999, registered as a temporary resident of Pakrac, Matica Hrvatska 6/1, in the house of J.S. , citizen of the Republic of Croatia, possesses all documents of the Republic of Croatia, and also a FRY refugee ID.

B.V. turned to this office and asked us to forward the matter to the competent department of the Helsinki Committee for Human Rights in Serbia. According to him his legal entanglement could showcase a series of problems which he and other expellees face in the exercise of their fundamental rights, in this concrete case, the right to restitution of property.

B.V. in Pakrac, in I.G. Kovačica owns a family house badly damaged in 1992. The established degree of damage is 6.

Because of armed conflicts B.V. and his family fled Pakrac and found refuge in the house of his sister-in-law in Daruvar. After re-integration of Podunavlje he moved to Ilok and registered himself there as a temporary resident. On 29 May 1997 he filed for the first time an application for return to Croatia and reconstruction of his family house. Competent authorities in Vukovar through the UNHCR informed B.V. that his application for reconstruction was accepted thanks to interest of some donors. With the Croat passport, in early 1999, B.V. visited his house and registered himself with the local police department. He renewed his reconstruction application in the Pakrac District Office and submitted all the required documents. Vexed by the competent bodies shilly-shallying he turned to the Serb Democratic Forum in Daruvar. But the latter could not help him.

In mid-2000 he lodged a complaint in writing to the Ministry for Public Works, Reconstruction and Construction. In its reply the Ministry informed him that he would get a judicial decision in writing. But when that decision did not materialise after six months he once again wrote to Ministry. When even that intervention went unanswered, B.V. wrote a letter to the Croat Prime Minister. On 13 December he was invited to come to the Prime Minister's Office. And finally on 10 April 2001 the Ministry for Public Works, Construction and Reconstruction allowed his appeal and ordered the Department for Town-Planning, Housing-Utilities Affairs, Construction and Environmental Protection of the Požeška-Slavonska District to pass a decision on B.V.'s application within 15 days.

But the said decision did not live up to his expectations. The competent district office asked him to submit again all the required documents with paid taxes, as 6 months had lapsed from his first application, and also special statements and different evidence to be provided by the all the members of the family household. But when the District Office failed to take the decision within the aforementioned deadline, B.V. turned once again to Reconstruction Department. After that intervention the said Department on 10 July 2001 passed the decision on the reconstruction of B.V.'s family house (5th degree damage).

B.V.'s house is still in the same state it was when he first filed his reconstruction application on 29 May 1997.

Validation

On 26 September 1997 the Croatian Parliament passed a Validation Law. Its text was published in "Narodne novine" 104/97. A year later three provisions, published in NN 51/98, were passed:

Decree on enforcement of Law on Validation of Administrative Acts
 Decree on enforcement of Law on Validation of Judicial Decisions
 Decree on enforcement of Law on Validation of Provisions related to Labour, Employment, Pension, Disabled Insurance, Children's Allowances, Social Protection and Protection of Military and Civilians Disabled in War.

The first two provisions do not envisage any deadline for submitting validation requests. But the third one, that is, its article 5 envisaged a 12 month deadline (10 April 1998-10 April 1999) within which the interested parties were allowed to submit requests for validation of the acts covered by the aforementioned Decree to competent bodies.

A year long deadline, practically and factually disables a large number of refugees from the Republic of Croatia to exercise the right to validation, and consequently those from the spheres of labour, employment, pension and retirement insurance, children's allowance, social benefits and protection of Military and Civilians Disabled in War. Validation is related to documents and decisions under which those rights were exercised during the existence of the so-called Republika Srpska Krajina.

By April 1999 a small number of refugees returned to Croatia. Consequently competent bodies of the Republic of Croatia rejected every request for validation of a right regulated under the said Decree and submitted after 10 April 1999, for they were deemed "contradictory to article 5 of the said Decree".

*Z.M. a refugee from MioCic, whose house was totally destroyed, was not able to return with his family to Croatia until the year 2000. Her husband P.M. died in exile in 1996. After returning to Croatia Z.M. on 20 September 2000 submitted to the Croatian Institute for Pension Insurance (Sibenik office) an application for validation of years of service of her late husband. That body on 12 December 2001 rejected her application (decision No.: 341-19-03/1-01-19078) on the following grounds: "it is in contradiction with Article 5 of the aforementioned Decree, that is, was submitted after the deadline of 10 April 1999".

Z.M. appealed against that decision to the Zagreb office of the Croatian Institute for Pension Insurance. The appeal is pending.(6)

Pensions

The Republic of Croatia in December 2001 ratified the Contract on Social Insurance with the FRY.

In December HC was contacted by several individuals who after having acquired in Croatia the right to pension and having received their pensions for several months, were stripped of that right with justification that "the competent authorities in Croatia established that they had "bought" the rest of their years in service in the FRY, and that the Contract on Social Insurance between the two states was not ratified".

Payment of pensions is suspended if a retiree has not submitted evidence on residence in Croatia, although the Law on Pension Insurance originally did not foresee that condition for attaining the right to pension. In fact the Decree on enforcement of Law on Validation (1998) set a residence permit as an additional condition for acquiring the right to pension.

*G.G. from Beli Manastir, citizen of the Republic of Croatia, has all the Croatian documents and the FRY expellee ID, in which his residence in Subotica is registered.

G.G. on 1 July 1997 received a temporary decision on pension. On 2 November 1999 the Croatian Institute for Pension Insurance (the Osijek branch office) suspended a procedure for payment of the aforementioned pension, because of G.G's failure to submit his certificate of residence.

G.G. appealed against this first-degree decision. On 19 June the second-instance body dismissed his appeal on grounds of "non-possession of residence permit on the territory of the Republic of Croatia", that is, failure to meet conditions laid down by the Decree on enforcement of the Act on Validation. Under the Act on Pension Insurance, possession of residence permit is not a condition for recognition of right to pension. Added to that Decree on enforcement of Act on Validation cannot have a retroactive effect, for it was published in "Narodne Novine" no.51/98 after G.G. had submitted his pension claim (in other words this provision was not in place on 1 July

1997). That is why G.G. on 6 July 2000 timely filed his lawsuit with the Administrative Court of Croatia, but the case is still pending.(7)

*Most absurd case of suspended payment of pension is the probably the one of S.D.

S.D. from Dalj and her two underage children on 18 March received decision (no. Mo351716) of the Republican Fund for Pension Insurance, the Osijek branch office, on recognition of their right to family pension, following the death of husband and father, S.D.

The Croatian Fund for Pension Insurance, central office in Zagreb, suspended that decision by its own judgement no. 341-99-03/1-01/003961, on 20 March 2001. The reasoned opinion in writing reads: "criminal proceedings against the late S.D., a husband and father are still pending. "This is one of the absurdities of the Croatian judiciary, namely to be conducting posthumous proceedings".(8)

S.D. has filed an appeal against the competent court, and the latter's judgement is pending.

Other forms of administrative obstructions

A certain number of refugees from the Republic of Croatia turned for assistance to our offices. Many of them complained of different administrative obstructions in which the competent Croat bodies engaged. Most complaints were related to inefficient procedure for acquiring the status rights and hindered issue of personal documents through authorised persons.

*K.N., a refugee from Glina, submitted application for determination of his Croat citizenship under article 10 of the Act on the Croat Citizenship. On 28 10 1998 the Interior Ministry of the Republic of Croatia rejected K.N.'s request (decision no. 511-01.42-UP/I-6350).

Under article 10 of the aforementioned Act preconditions for acquiring the Croat citizenship are the following: a spouse must have the Croat citizenship, applicant must be approved residence in Croatia, and applicant must meet requirements of article 8, paragraph 1, point 5, of the Act on Movement and Stay of Foreigners, that is, must be a resident of the Republic of Croatia for at least 5 years. As the Act on Croat Citizenship was passed on 8 October 1991, the competent body which had taken the aforementioned decision determined that it was an irrefutable fact that K.N. enjoyed the status of a foreign permanent resident on 8 October 1991, but had lost it upon leaving Croatia in 1995.

The competent body abides by article 47, point 1, paragraph 1 of the Act on Movement and Stay of Foreigners in the Republic of Croatia, under which any foreigner loses his resident status if he/she emigrates or stays abroad for a period over one year.

In assessing this case the competent body failed to take into consideration the fact that K.N. on 5 August 1995, under compulsion had to leave Croatia, that on 20 August 1995 he officially acquired the refugee status, that international legal documents, which Croatia should respect and enforce, envisage that the refugee status may never change the domicile status of a person, because change of residence is caused by external, transparent and forcible circumstances, and not by the will and decision of a person compelled to flee.

On 23 December 1998 K.N. filed an administrative lawsuit against a competent court in the Republic of Croatia, but three years on, his case is still pending.(9)

The following examples indicate obstructive measures taken by administrative bodies in procedure of issue of personal documents.

The Pozega administrative office refused to issue birth and citizenship certificate to an authorised person with a regular power of attorney. Justification for this refusal was the following: "documents may be issued exclusively at the personal request of applicant". When the authorised person notified the local clerks that his client was in exile, and that without the citizenship certificate his client could not get a travel document enabling him to enter Croatia, local clerks said that it was not their problem.(10)

One of the most extreme examples of administrative obstruction is related to the case of P.K., a refugee from Petrinje. He authorised his sister to take a copy of his high school diploma in Petrinja. But the school refused to give her that copy with the excuse that "a person requesting a copy of diploma MUST HAVE PROOF OF CROAT CITIZENSHIP".

In order to check allegations of the party on 13 December 2001 we talked by phone to director of the high school in Petrinja. He told us: "THE HIGH SCHOOL IN KEEPING WITH THE INSTRUCTIONS RECEIVED FROM THE EDUCATION MINISTRY OF THE REPUBLIC OF CROATIA CANNOT ISSUE CERTIFICATES ON COMPLETION OF EDUCATION TO

APPLICANTS THROUGH AUTHORISED PERSONS, IF APPLICANTS ARE NOT CROAT CITIZENS, THAT IS, IF THEY DON'T HAVE THE CITIZENSHIP CERTIFICATE.(11)

Expropriation and limitation of the Right to Property

The Republic Croatia in 1994 passed the Law on Expropriation and Limitation of the Right to Property which gave broad powers, even expropriation powers to administrative bodies, that is, to district departments for property-legal affairs. In other words they were empowered to expropriate or limit the right to property, which is a fundamental right of the system of civil law.

The Law envisaged that "the competent district authorities pass decisions on expropriation at the proposal of a municipal body in whose territory that property is". That decision also includes the range of compensation for expropriated property. The second-instance bodies are the Education Ministry, the administrative and local self-rule bodies. A plaintiff may appeal against the decision of the second-instance body to the Administrative Court of the Republic of Croatia.

The said Law thus enabled administrative bodies and local officials to engage in misuses of their powers and consequently to violate one of the fundamental human rights.

The following example shall indicate motives which guided the Initiative Committee of Municipality of Vrgin Most in taking the decision on expropriation of a land allotment 2551/26, pasture Rozin Jarak, in municipality PjesCanica, of 1 ha, 10 acres and 78 m², property of J.Lj, a refugee from Vrgin Most.

Here are the reasons for expropriation of the aforementioned allotment as quoted in a letter to the Administrative Office of the Sisak-Moslovlca District by the Initiative Committee of the Vrgin Most municipality.

"In view of the ongoing settlement of the Croat citizens of the Roman-Catholic denomination in the territory of the municipality of Vrgin Most, the need arose to build a cemetery for citizens of the Roman Catholic denomination.

The Initiative Committee scouted the most suitable localities and decided to propose to you a locality in the vicinity of a previously approved one. That locality IS BEYOND THE BOUNDARIES of town-planning blueprint of Vrgin Most, in Rozin Jarak. Its owner is J.Lj, from Vrgin Most, a widow of R. from Vrgin Most, Nova Cesta 16.

IN VIEW OF URGENCY OF THIS CASE, AND OUR IMPOSSIBILITY TO EFFECT ALL LEGAL WORK, NOTABLY ANNOUNCEMENT OF GENERAL INTEREST AND PROOF OF THE ESTABLISHED INTEREST (MANY MUNICIPAL INSTITUTIONS ARE STILL NOT OPERATIONAL) WE REQUEST YOUR CONSENT FOR BUILDING OF CEMETERY IN THE AFOREMENTIONED ALLOTMENT. "(12)

On 19 January 2001 Department for Property-Legal Affairs of the Sisak-Moslovlca District passed decision no. 2176-05-01-01-03-NM approving expropriation of the allotment in question, property of J. Lj, and also determined compensation far below the market value of the land plot.

The Constitutional Court of Croatia on 8 November 2000 suspended articles 22, 25, points 7 and article 36, paragraph 3 of the Act on Expropriation and Limitation of the Right to Property, relating to procedure and bodies authorised to take expropriation decisions. Those provisions ceased to be effective as of 31 December 2001.

Physical harassment of returnees

Last year sporadic incidents of physical and verbal harassment of returnees were reported. Helsinki Committee was notified of a brutal beating up of an 82-year man, a returnee to Knin.

*82- year old B.M. returned to Croatia in early May 2001. His family house in Knin used to be occupied by a 50-year old V.D, who left the house several months before B.M.'s return. As the house was empty, B.M was restituted his property by the Knin housing commission. But on 23 May 2001, when he tried to enter his house at 17.30 p.m., V.D. physically assaulted the old man and broke his hip. B.M. was thereafter taken to Intensive Care Unit of the Knin hospital. The Knin police charged V.D, with the criminal offence of inflicting grievous bodily injuries to B.M.

Notes:

1 Point 9 "Procedure of Return" of the Program for the Return and Accommodation of Expellees, Refugees and IDPs, 26 June 1998.

2 Case of the Novi Sad office of the Helsinki Committee for Human Rights in Serbia.

3 Article penned by Boris Raseta and ran by "Feral Tribune" on 15 December 2001 under headline "Too Many Destroyers".

4 Idem

5 Case of the Novi Sad office of the Helsinki Committee for Human Rights.

6 Case of the Novi Sad office of the Helsinki Committee for Human Rights in Serbia.

7 Case of the Subotica office of the Helsinki Committee for Human Rights in Serbia.

8 Case of the Belgrade office of the Helsinki Committee for Human Rights in Serbia.

9 Case of the Belgrade office of the Helsinki Committee for Human Rights in Serbia.

10 Case of the Belgrade office of the Helsinki Committee for Human Rights in Serbia.

11 Case of the Belgrade office of the Helsinki Committee for Human Rights in Serbia.

12 Letter of the Initiative Committee of the Vrgin Most municipality of 28 September 1995, no. 2176/20-95-0113 Case of the Belgrade office of the Helsinki Committee for Human Rights in Serbia

Media

In the post-5 October 2000 period, the ruling 18-party coalition, DOS, did not do anything to improve significantly the media status, barring its repeal of a drastically repressive Act on Public Information (1998). No measures for establishment of a legal framework for the media work were taken, and important Acts on Public Information and Frequencies were not passed. Both Acts have a major impact on the role of electronic media in shaping of public opinion, and on the work of a host of private radio and TV stations founded in the past decade.

A decade-long abuse of media and their political instrumentalisation, along with their financial and professional collapse, devastated the media scene in Serbia. The real extent of that devastation became obvious in the wake of Milosevic's ouster.

New political elite immediately after taking the reins of power endeavoured to establish a firm control over the most influential media, notably the leading dailies and the state TV (*Politika*, due to its traditional influence on the Serbian society, *Blic*, due to its large circulation, etc.) Following the internal polarisation within DOS (its split into two blocks), both blocks tried to gain the upper hand over both the electronic and print media.

Long-standing division into the regime-controlled and so-called independent media has vanished in the past year. But regardless of a proliferation of dailies, weeklies and electronic media, the media scene in Serbia became very uniform. The only visible distinction between them is the political line of a DOS party-member which they markedly toe. Former "independent" media during the Milosevic era now feel neglected, for the authorities are now mainly interested in the so-called "key media". In those terms indicative is the statement of Serb Prime Minister Zoran Djindjic in Washington's US Institute for Peace (Beta agency, November 2001): "RTV B 92 may be given an award, but not the frequency".

Long-running crackdown on and fining of the media brought about their professional and financial collapse. Hence in the changed political climate they failed to tackle the key issues, notably the war crimes and responsibility thereof, corruption, the minority status of the key state issues, relations with Montenegro, the Kosovo issue, autonomy of Vojvodina and relations with RS, and to shape public opinion in that regard.

Media/journalistic associations (NUNS, UNS) are facing a serious crisis, for they have failed to impose a serious debate on the media responsibility in spreading hate speech, intolerance and active war propaganda. Even a drastic gesture of Nenad Canak, President of Vojvodina Parliament (removal of the RTS plaque from the Novi Sad TV building) did not provoke a debate on the key responsibility of the state-controlled TV for fanning war propaganda. Extensive media coverage of the incident focused on vilification of Nenad Canak as a prime advocate of Vojvodina autonomy. By and large the media cover statements of politicians related to relativisation of the war responsibility and do not show readiness to tackle the issue in an independent way. When last spring mass graves of Kosovar Albanians were uncovered not a single journalist was professionally curious enough to launch a probe into the transfer of those bodies from Kosovo to Central Serbia or to try to uncover the masterminds behind the heinous crime. There are no hints of possible lustration within the media circles. Association of Journalists of Serbia (UNS) which rallies journalists from so-called state media in February 2001 replaced its leadership, but made no further rank-purging moves.

As of late the key media problems became transparent: poor financial standing, relations between politicians and media, relations between media owners and media, the issue of professionalism. During the Milosevic era, because of the survival struggle, younger journalists could not be properly trained. Hence many of them are yet to master the standard tricks of the journalistic trade.

In the immediate aftermath of the political changeover all the media demanded full-scale regulation of the media sphere: a transparent decision-making procedure related to granting and extension of TV and radio frequencies, re-appraisal of the tax regulations related to media, suspension of roto paper import quotas, and of similar restrictions.

After a long uphill struggle only some demands were met. Media were compensated for fines they were compelled to pay under the 1998 Act on Public Information. That damage compensation amounted to 11.4 million dinars (out of fines totalling 31 million dinars). Tax on remittances was suspended too. Thus debilitated media were supposed to fully engage in the "media competition in the media market" although the latter in fact still does not exist. Media houses are not coping well with the current chaos. This suits the authorities, for it enables them to hold sway over both electronic and print media and prevent them from gaining full autonomy.

Strategy of new authorities with respect to the media

The new authorities failed to define the legal framework for the media operations, Despite numerous announcements many laws regulating the media province are yet to be passed, notably the Act on Telecommunications, the Act on Radio Diffusion and the Act on Information. These are the key laws on which the membership of the Council of Europe hinges. New authorities failed to deliver on their pre-election promises to put some order into the area of the electronic media by launching a frequency-granting competition, by overhauling the state-controlled RTS, that is, transforming it into a public broadcasting house, and by eliminating hate speech and squalid programs. The biggest promise was not kept: namely the authorities did not allow journalistic professionals to run their own houses and continued to meddle in the editorial policy.

Articles of the Penal Code of Serbia envisaging slander charges/libel lawsuits against journalists (totally contrary to the existing practice in democratic countries) have not been suspended either, despite pressures by influential European and international institutions.

One of the first measures taken by the new authorities was the repeal of the controversial Act on Public Information. In fact only its most controversial provisions were eliminated, that is, declared unconstitutional by the Federal Constitutional Court. Retained were only provisions taken over from the Serbian Constitution. 1

Government missed the opportunity to do the media situation analysis and to put forward suggestions regarding its improvement. Under complicated circumstances in the post-federal elections period the media failed to formulate more radical demands for establishment of new relations. Independent journalists association was satisfied to receive only assurances of a better future and its better standing.

In January 2001 the new Serbian government was formed. But no Ministry of Information was set up. Therefore the government did not face an obligation to design or at least to contribute to alteration of the legal framework, to formulate the vision of the media development, to encourage changes and to seriously analyse the then media situation. 2

Serbian government's reluctance to effect changes is most evident in the area of the state-controlled media. Even a year ago it was clear that the said media, notably RTS could not self-reform. In the meantime a lot of energy has been expended on the selection of "leadership". The government announced imminent adoption of the Act on Radio Diffusion under which RTS would be transformed into a public service. Despite many dilemmas regarding that move, thanks to the pressure brought to bear by international organisations the government decided to proceed with that Act. Namely, on that Act hinges the FRY's membership of the Council of Europe. It took almost a year to find "the right person" to head the Information Program of RTS. Executive Board of RTS, set up in the wake of the political changeover, and depicted as part of the social mechanism for influencing RTS, turned out to be under heavy influence of the leading politicians. The RTS Council in June 2001 failed to name editor-in-chief (one of the top contenders for the post was Gordana Susa, who had left RTS in the early 90's) due to alleged disagreement between Democratic Party and Democratic Party of Serbia top leaderships. Editor-in-Chief of the Information Program was named only in October 2001. The choice fell on Bojana Lekic, who had left her media house RTV B 92 because of a dispute over Foundation Karic award.

If it eliminated the current media chaos, the new authorities would make public their disapproval of the former, retrograde policy of previous authorities. Silence cannot annul the recent past in which the state-run media propagated war, hatred and violence and selected

commercial TVs produced aggressive turbo kitch, and promoted patriarchal traditions and nationalistic radicalism in order to render support to the authoritarian authorities. Snezana Miljevic, Professor at the Political Sciences Faculty, underlines that "the oldest media house in the Balkans readily belittled its tradition...the state-run TV was bombarded by foreigners, and torched by locals. Only serious social facing up to the recent past would help us learn how such a thing was possible and help us also prevent a repeat of such situation. Public at large cannot benefit from such an attempt by the media houses owners attempt to gloss over the recent past". 3

Professional media and journalists who spearheaded the fight against the former regime face anew new challenges and temptations. Media today are very politicised and under influence of different DOS member-parties. There are many disagreements today. The present-day media victims are radio stations, ANEM members, radio and television B92 and independent TV stations which were treated as "traitors" during Milosevic era. Thanks to their close ties with the new regime some media have been given a new lease on life and have moreover joined the ranks of the untouchable TVs (notably, TV Pink, TV Palma, TV Palma plus, etc.)

Sources of information

Sources of information in the period covered by this report represented one of the key problems for the media. New authorities, alike the old ones, do not think that it is their obligation to provide/disclose public information on the work of state bodies and other civil and public services. The confronted blocks of the ruling coalition have their media "stooges" to whom all relevant information is promptly and exclusively given. In early 2001 editors-in-chief of private and independent media protested against such unfair and biased treatment and demanded that all journalists be allowed a timely and equitable access to information. They moreover assessed that: "information of government and other relevant sources six months after the political changeover is not accessible to all the media under equal conditions". It was demanded that the government provided "better transparency of its work" and its "officials and competent bodies "showed readiness to provide information in line with requests from editorial offices/staff".

Representatives of independent media accused some state officials and corresponding services of "using the media for their political and personal promotion, such a conduct being rampant and contrary to fundamental principles of democratic society". 4

Three informal sources of information are currently vying for the media prestige in the political scene of Serbia:

1. Press Bureau of Government of Serbia occasionally stages co-ordinating meetings with editors-in-chief and responsible editors, deemed as "pro-reform" individuals. In fact the Bureau favours those media which have sided with the Serb Prime Minister Djindjic.

2. Cabinet of the FRY President Vojislav Kostunica is considered the second centre of the media power. Aides of the Yugoslav President usually leak the most interesting information to "reliable" journalists, while other journalists are advised to attend regular press conferences.

3. The third source of information used without any reservations by a large number of media are the State Security Services. Such, frequently sensationalistic information, are intentionally leaked as scoops by the SSS. The media thereafter market them without any reservations and additional verifications, which is totally contrary to the journalistic code of ethics.

The state-run media

Contrary to their pre-election promise, the new authorities have not moved towards overhauling the state-run media, notably RTS, TANJUG, *Borba* and TV YU Info. Federal government commission established to that end in late 2000 is yet to tackle that task. Regarding that matter Federal Information Secretary Slobodan Orlic stated in September 2001: "those media should be assisted in their recovery while those responsible for their ruin should be brought to justice". He stressed the following: "we must determine a long-standing program concept, program framework, development plan, stabilise their business operations, introduce new digital technology, close down loss-making departments of RTS, and make RTS buildings in Takovska, Abardareva and Belgrade Fairgrounds operational". 5 But no such measures were taken. RTS programs remained unaltered, focused on so called "purely political issues", although cleansed of the vulgar "hate speech". Serious social problems are rarely tackled in RTS programs.

Focus is on political news, that is, activities of the political elite. RTS treats all other issues as less important. Economic and social topics are glossed over. Jovanka Matic, a media analyst assessed that the prime time TV news focused on interpretations of political events by their prime movers, members of the ruling establishment, instead on the true significance and character of those events. Political opposition and other independent voices have been sidelined. Opinions of

opposition parties do not reach the viewers in their authentic form, they are in fact recounted by journalists".⁶

Opinions and stands of state officials are portrayed as stands generally accepted by population at large. RTS commented the topic which recently caused a major uproar (introduction of religious education into school curricula) through a statement of the Federal Minister for Religious Denominations aired at the prime time TV news: "We are all primed for re-introduction of that subject matter in September, at the start of the new school-year". No other stands on that burning issue were aired. In that regard professional engagement of journalists was minimal.

Such biased reporting and coverage along with the delayed adoption of the Act on Radio Diffusion causes much concern. Many prominent media figures think that at play is another attempt to establish a new monopoly over the most powerful medium in Serbia (RTS).

Prominent analyst of electronic media Snjezana Milivojevic stated inter alia: "RTS is still a big mirror which reflects more the workings of authorities than those of society. Situation in the state-run TV is a metaphor of salient problems shared by all the media-there is not legal framework, the state-run media are yet to be transformed into public ones, the process of facing up to recent past is yet to be kicked off, and moreover it seems that it might be shunned (Transition online, 21 December 2001).

One of the novelties envisaged by the Act on Radio Diffusion is formation of a nine-member, independent, regulating body, to be called Radio-Diffusion Council of Serbia. Federal Telecommunications Minister Boris Tadic stated (Gde i kada, TV program): "That body would monitor the electronic media operations in Serbia and a key role in that monitoring shall be probably played by the republican government".

Radio-diffusion Council would be tasked with granting frequencies for three-to-seven years period and even 10 years to electronic media. It is foreseen that members of the body be named by the parliamentary information commission. Representatives of political parties would account for one third of the council's members. Other members would come from the ranks of trade unions, NGOs and various associations, and consequently represent their interests. The council's mandate would have to be longer than the one of the current parliamentary composition in order to avoid the whims and moods of the current parliamentary majority.

The Council shall be also tasked with monitoring the contents and quality of broadcast programs and assessing whether the latter are in line with the program objectives of TV stations. One of Council's tasks shall be to prevent establishment of ownership monopolies and to encourage political and cultural diversity of programs. Clashes over radio and TV stations, similar to the ones already seen in some countries of East and Central Europe shall be inevitable, if the authorities continue to view the media as means for furthering their own political ends.

A large number of journalists are disgruntled with the slow pace of the media reform and undefined media strategy (the latter negatively affects their work). Executive Board of ANEM demanded urgent adoption of the Act on Radio-Diffusion, seen as the right vehicle for solving problems which plague independent media. Director of TV B92 Veran Matic stresses that a modern media system concerned with public interests should be promptly established. He furthermore stated: "We have embraced a kind of democracy a year ago, but the right to freedom of speech is not regulated or guaranteed in the right way. Nothing has changed in that regard a year on. We backed an urgent adoption of the Act on Radio-Diffusion, because it had been already drafted. We are receiving signals that its adoption shall not be easy for it envisages morphing of the state-run media into public services, which means that the latter would be completely independent from the political centres of power. I think that politicians shall put up a stiff resistance to adoption of such an Act" (Radio B92, 30 October 2001).

Pressures on media

In representing public interest journalists shall be compelled to bring pressure to bear on authorities to stage a showdown with criminal gangs. Few recent attempts to uproot widespread criminality had grave consequences. Journalist of "*VeCernje Novosti*" Milan Pantic was killed in Jagodina on 11 June 2001. Judicial bodies think that he was killed because of his extensive coverage of criminal scandals in Jagodina.⁷ Results of investigation have not been disclosed to date.

Public at large saw Pantic as a victim of objective reporting of rampant criminality in Jagodina whose "key protagonists were members of the Serbian Unity Party and Seselj's Radicals".⁸

Federal MP Miodrag Nikolic stated that "aerial of TV K-21 was torched" after his appearance on a local program, while "the house of owner of independent paper "Stampa" was torched because of his denunciation of Al Capone-style criminal gang in Jagodina". Then a series

of killings took place, and several young people died of drug overdose (Jagodina is a notorious drug-peddling centre.) After the political changeover in Serbia it was disclosed that during the last year of Milosevic's rule a list of journalist targeted for elimination was circulating in Jagodina. After Pantic's murder several journalists received anonymous death threats by phone: "We shall visit you soon!" 10

Attacks on journalists continued in the whole Pomoravlje area. Press public company "Novi Put" stated that Head of Information Department of Pomoravlje Area and former president of Jagodina Socialists Blagoje Milosevic attacked journalist of "Radio Jagodina" Nenad Nedeljkovic. At a cross-road in Jagodina Milosevic jumped out of his car and started threatening and cussing Nedeljkovic. In his complaint Nedeljkovic stated that "Milosevic threatened to kill all those who write and speak in a critical way about him". 11

Similar attacks were reported elsewhere in Serbia. According to data disclosed by the Vienna-based SEEMO organisation for media in South East Europe, in Serbia in 2001 there were reportedly 21 attacks on journalists. In view of such developments the organisation had to set up a distress/SOS call line.

Oliver Vujovic, Secretary General of SEEMO, thinks that "during the Milosevic era journalists knew from which quarters they could expect threats, while now they have to fear unidentified individuals from criminal structures and other informal centres of power". 12 New authorities are reluctant to identify members of the previous regime, notably those who have amassed their wealth thanks to collusion with Milosevic clique, and who are now trying to slow down the transition process. Those rich individuals consider journalists their principal enemies, for they could expose their past wrongdoing.

Judges and journalists are physically threatened. In the ongoing process of decriminalisation journalists play a key role, but are also most vulnerable or the least protected protagonists of that process.

Because of slow changing of system institutions, absence of a true parliamentarism, resurgence of fascist ideas and an onerous legacy of the past, journalists also play the role of opposition and controllers of authorities. They are expected to act as policemen, politicians, and judges. According to a communication expert Jovanka Matic 13 "journalists have the same transition problems like other citizens: they are poorly paid, often work as temps without social and health insurance and benefits, while their employers ask them to write high-risk articles".

Journalists are frequently attacked by members of the former ruling coalition, and current opposition. Followers of the Radical Party leader Vojislav Seselj in the Belgrade Palace of Justice attacked journalists of the Belgrade media (March 2001). In Prokuplje loyalists of Vuk Obradovic threatened to kill owners of TV Grk and TV Top 3 because Federal Information Secretary Slobodan Orlic was a guest in their programs. Marina Fratucan, editor of independent TV production Urbans received threats after airing of a program on ethnic cleansing of Srem in 1991. At Socialist and Radical Party rallies followers of Slobodan Milosevic twice attacked journalists. DOS responded to all those attacks mildly, by offering only a verbal backing to members of the fourth estate at a session of the Serbian parliament in April 2001.

On 13 December 2001 Mayor of CaCak attacked journalist of "*Nedeljni Telegraf*" Dragan Novakovic because of his text "Cyprus partners of Velimir Ilic, members of the largest gang of tobacco traffickers in Europe". In that article Novakovic exposed shady dealings of Ilic's foreign partners (Ilic planned to build a tobacco factory with them in CaCak). Editorial staff of that paper disclosed that "Ilic tried to strangle Novakovic, hit him with his fist, and threatened to kill both him and "*Nedeljni Telegraf*" editor". Dragan Novakovic filed charges against Ilic and the trial is pending ("*Nedeljni Telegraf*", 19 December 2001).

Vojin Vojinovic, journalist of Radio Belgrade 202, was attacked by unidentified persons on 25 December 2001 in front of his house. That attack was preceded by repeated telephone threats. Vojinovic is editor of entertainment programs and completely apolitical. It is widely believed that this attack was part of journalist intimidation campaign. Milan Raseta journalist of the same radio station also received phone threats because of his feature on a lucrative smuggling of birds. Namely he disclosed that several Italian and Serb merchants were involved in millions of DM worth smuggling of protected species of birds, which can be hunted only under permission issued by competent bodies.

Journalists of Radio Belgrade 202 who monitor the work of marginal groups, notably gays and drug addicts, also received repeated threats (*Danas*, 28 December 2001).

There are indications that the political pressure on RTS and its editors is intensifying. For example Milorad Petrovic, editor of "Prime Time TV News" of RTS handed in his resignation in July 2001. He said that he was compelled to do that because of pressure brought to bear on him by some ruling parties".

Process of facing within the profession

5 October clouded the gist of the coup and prevented the facing process in the media. The biggest cynicism was launching of "Dnevne novine" (October 2001) by its owner Hadzi Dragan Antic, former director of "Politika". But that daily was indeed short-lived, for its publishing was suspended after only 10 days. Even more cynical was the appointment of Ljiljana Bulatovic as President of Forum for Protection of UNS journalists. As early as in April 1992 the whole editorial board staged a strike in a sign of protest over her appointment as the Editor-in-Chief of the Second Program of Radio Belgrade. Many journalists vilified her as one of masterminds of Milosevic war and hate speech propaganda. 14

In the wake of 5 October coup Court of Honour of Association of Journalists of Serbia struck off the UNS list of members the following individuals: Dragoljub Milanovic, former director of RTS, Dusan Cukic, former editor in-chief of "VeCernje Novosti", Zivorad Djordjevic, former director of "Borba", Hadzi Dragan Antic, former director of "Politika", Djordje Martinovic, former editor of "Politika ekspres", Zoran Jevdjevic, former editor of TANJUG agency, and Goran Matic, former Federal Information Minister.

The reasoned opinion in writing read: "Court of honour established that the aforementioned journalists in a very long period of time had unlimited power in the state-run media, and helped morph the media into mere propaganda vehicles of their party". "They created a false picture of the situation in the country and in the world, deceived and misinformed public opinion". But the aforementioned journalists and editors responded that they could not be thrown out of the organisation to which they did not belong: "Insight into the UNS register showed that Antic, Martic, Matic and Jevdjevic in recent years did not respect the basic statutory obligations. Due to such conduct they have excluded themselves from Association of Journalists of Serbia". 15

UNS thinks that the above move was tantamount to its clean break with the past, which moreover enabled it to re-launch its work as a respectable organisation with all its remaining members. UNS member is Dragan Radevic whose naming as Director of "Filmske Novosti" was "negotiated" by all employees of Novi Sad "Dnevnik". Since 1991 Radevic was editor-in-chief of Novi Sad "Dnevnik" and during his long and unsuccessful career he ruined the publishing house, introduced an unprecedented censorship, engaged in financial wrongdoing, all of which consequently negatively affected the daily's circulation. After his appointment to the key management post Radevic carried out a veritable "political purge", that is, sent 70 best journalists on forced leaves. The period of his management in "Dnevnik" is remembered as "a nightmare by employees, and as the most ignominious episode in the history of that house by the daily's readers". 16

Members of UNS suggested revival of the Institute for Journalism and establishment of the Centre for Journalism of the Balkans Countries. But the following UNS statement indicates stubborn adherence to the old set of values, including hate speech: "Participants in the electoral assembly of UNS demand that the international community replaces its current policy of verbal support for peaceful policy of the Yugoslav and republican authorities with concrete measures which would put an end to rampant activities of Shiptari terrorists". That statement made part of the Declaration adopted by the UNS Assembly.

Journalists underlined that "a recent attack by Shiptari terrorists on the Serb bus convoy, which resulted in ten casualties, Serb displaced persons, including children, was carried out before the eyes of KFOR and UNMIK representatives". UNS joined in demands of members of families of missing and abducted in Kosovo and Metohija that UNMIK, KFOR, international press organisations and foreign journalists assist in shedding light on those cases. Assistance of all foreign journalists in that matter is also urged (similar appeals had been also made by the former regime). 17

Generally speaking media in Serbia do not want to engage in the process of facing up to the recent past, as a precondition for revival of confidence and measure leading to reconciliation with neighbouring countries. Reports of the monitoring teams of the Media Centre and the Belgrade Agency for Strategic Marketing indicate that the war crimes are not among the first ten topics attracting media attention. Barring rare exceptions (Vreme, Danas, B 92) information on the war crimes (notably the notorious case of a refrigerating truck full of Kosovar Albanian bodies) is given in a straightforward way, without any indications as to its perpetrators.

Investigation indicates that the war crimes are only a tenth -ranking topic of TV programs and the eighth one of radio station programs, while the issue of the Milosevic regime's responsibility for the past wrongdoing ranks as an indeed low -priority theme in both electronic and print media (123th and 19th place respectively). A very selective tackling of the aforementioned issues began after arrest of Slobodan Milosevic, and according to assessment of the investigating

team was prompted by discovery of mass graves in Kosovo and Croatia's decision to hand-over generals, war crime suspects, to the Hague Tribunal. 18

Weekly "*Reporter*" discloses interesting information. 19 In his response to a commentary that the Milosevic era was the worst period in the Serbian history, Stanko Stojiljkovic, editor-in-chief of "*Novi Ekspres*" (successor of "*Politika Ekspres*"), the Milosevic era daily which engaged in most vitriolic hate speech, and ran a text which announced the murder of Slavko Curuvija) stated that the role of independent media should be also re-examined for they "also committed offences, by taking money from foreign organisations and governments".

General Director of RTS Aleksandar Crkvenjakov maintains that he is collecting documents which should provide protection to all RTS employees who might be incriminated in the future (relevant RTS documentation was not saved). He said he would welcome assistance by journalistic associations, for those not charged with criminal offences should be also declared morally and professionally innocent. He also promised he would examine all cases of journalists accused of unethical conduct". 20

Dragoljub Zarkovic, Acting Editor-in-Chief of weekly "*Vreme*" thinks that journalists who have breached the journalistic code of ethics should be banned from working in the republican budget-subsidised media. According to Zarkovic compiling documents related to professional abuses is quite a formidable task. He adds: "as an independent body tasked with processing and putting in order all those documents is not likely to come into being, perhaps that task should be tackled by management boards of some publishing houses. I am certainly not going to deal with that issue, though that decision of mine should not discourage anyone else... Things shall probably normalise, because some people shall be ashamed to ever again appear in newspapers under their by-line" ("*Reporter*", 20 June 2001).

Editor-in-chief of "NIN" Stevan Niksic thinks that the aforementioned "white book" would be useful. He is not in favour of prison sentences, but thinks that "recent blunders and misdeeds of journalists should not be forgotten". According to Niksic: "Because of up-and-coming generation of young journalists we should occasionally remind public opinion of that recent shameful history. That was done in Germany too. The most important thing is to collect all relevant documentation, and I believe that that are many such documents in Belgrade, as well as people capable of professionally doing that job. However I think that professional journalistic associations should not take on that task, for their job is to deal with the current problems and issues of moment".

A publicist and journalist Slavoljub Djukic stated the following: "It's a pity that newspapers which were the principal allies of Milosevic regime did not kick start a probe into responsibility for spreading hate speech, since early stages of the SFRY disintegration onwards". Djukic also said that "our domestic example amply shows how collusion between power, propaganda and lies can generate an indescribable terror".

In the post-5 October the clique of directors and editors-in-chief who were under Milosevic control by and large shunned the issue of responsibility for marketing lies and misinformation to further the war propaganda ends. Moreover they maintain that accusations levelled at them are "mere acts of retaliation".

"*Politika*"'s editor who had fallen out of grace with the Milosevic regime disagrees that journalists, spearheads of Milosevic policy, should be now punished: "We must renounce that policy of obligatory retaliation, for the most important thing is the future of the paper, or its improvement".

In "*Politika*", like in the other media which were under Milosevic control only top editors were dismissed. Association of Journalists of Serbia turfed out its several members, renowned Milosevic collaborators, but did not raise the issue of responsibility of journalists who were stooges of Dragan Hadzi Antic, Dragoljub Milanovic, Milorad VuCelic, etc.

Hate speech

Hate speech still persists, but not in its most drastic form. In the first months of the political changeover it emerged in the column "Letters to editors" run both by "*Politika*" and "*Glas javnosti*". It was also heard once again on RTS when documentaries and serials from the 90's were re-broadcast. Under pressure of public opinion, those old RTS productions were taken off the air. Hate speech was mostly manifested against the Hague Tribunal and Montenegro, as well as in reporting on opposing factions within DOS. Printed media that were mostly engaged in producing hate speech and spreading intolerance were *Glas javnosti*, *Nacional*, *Novi Ekspres*, *Nedeljni telegraf*, *Svedok* and *Jutarnje novine* (not published any more).

Currently hate speech is used for fanning nationalistic, religious and every other intolerance. Most print media, notably daily "*Glas javnosti*" still use a derogatory term for Albanians

"Shiptari". That daily launched a veritable anti-Helsinki Committee campaign in order to deny the findings presented in the NGO's report. In a series of texts run by the daily lawyer Aleksandar Lojpur levelled accusations against Helsinki Committee for "being more responsible for dissemination of anti-Semitic ideas than *"Obraz"* (a far-right organisation). Lojpur also maintained that "although abuses of Jews occasionally attracted public attention, there is no doubt that Helsinki Committee, *"Obraz"* and similar "democratic" or Orthodox fundamentalists shall permanently remain on the fringes of our society" (*"Glas javnosti"*, 10 August 2001).

Rados Ljubic, a historian, in a response to criticism of work of Society of Students "St. Justin, the Philosopher" voiced by Olivera Milosavljevic and Mladen Lazic, notes in his text "Policemen at the Philosophical Faculty": "At the deans' meeting I condemned writing of anti-Semitic slogans, but then the worldly rogues from Helsinki Committee from Human Rights proclaimed me the leader of anti-Semitism at the Philosophical Faculty" (*"Danas"*, 20 July 2001).

Journalists emulate intolerant stands and hate speech of politicians and other public figures, notably in coverage of issues like Vojvodina, Kosovo and Montenegro. Those extremely intolerant political stands were thus formulated by Bozidar Jaksic, a sociologist (Institute of Social Sciences): "I came to the conclusion that this society traditionally tends to consider as enemies, all things and people different, notably members of other denominations and political parties, and sometimes members of the same party". He also pointed out: "the intensity of the hate campaign waned but we are still suffering very harmful consequences of hate speech. Until new generations of politicians emerge in our political arena, hate speech shall persist, for there are no sincere attempts to establish co-operation between peoples and states in this region. Co-operation shall be established to the extent it is demanded by the world powers".

Specific form of intolerance is demonstrated by some members of the Serb Orthodox Church, which was widely promoted in the post-5 October period and currently reaps the benefits of that promotion beyond the laws and customs in place. The SPC espouses xenophobic and anti-Semitic stands. Its reaction to the Report on Anti-Semitism was very aggressive and intolerant. Valjevo-based "Glas crkve" after the anti-Semitism panel discussion in CaCak, in early August 2001, sharply reacted and called Helsinki Committee a "sewer-like organisation".

Transition in media

Due to the current status of media, transition in that important social area has been delayed. Absence of legal framework enabling transparency discourages foreign investments in the Serbian media. Old property relations and shady deals from the past should be re-examined and regulations protecting pluralism should be put in place.

Media cannot be modernised in line with European standards for they are cash-strapped. They cannot update their technology and equipment either. To enable the former full-scale co-operation between media organisations, governments, competent bodies, parliament and expert public opinion must be forged.

Development of telecommunication systems has reached unprecedented levels in the world and represents key foundations of the globalisation process. But Yugoslavia has not designed a clear strategy of telecommunications development, and in force is still the 1988 Act on System of Communications, which does not cover new technologies, notably Internet. Federal Telecommunications Minister Boris Tadic stresses that "our country has tragically neglected that important area, and our citizens are totally unaware of challenges of new times and new developmental trends. We in the Ministry do not have a long-term concept, private interests are not regulated, investments are chaotic, notably in the area of cellular phones, there are paramonopolies, and well-organised oligarchic groups tend to control important areas. A veritable chaos reigns in the sphere of radio diffusion, for many think that to have one's own radio and TV station is a must. Telecommunications were considered good "hunting grounds." But such abuses and plundering shall not be tolerated in the future". 21

RTS did a disservice to the electronic media in Serbia. In the past period it had vast powers, some stations were allowed to go on the air only if they had a contract on business co-operation with RTS, even without a proper licence issued by Telecommunications Ministry. That was the case with RTV Pink, BK TV, TV Palma, TV Politika.

RTS was not overhauled, and it is still in a difficult financial, personnel and technological situations. The state-run TV is burdened with a large number of employees, 8,000 of them, it has enormous debts (nearing \$ 20 million) and outdated equipment. It is totally dependent on government of Serbia, which subsidises all its operations from the republican budget.

The print media face the most difficult situation. Printing costs are equal to those in Western Europe, salaries are minimal, earnings from ads make up only 20% of revenues. In Serbia there are two groups of the print media: the first group embracing mostly the state-

controlled big media and publishing houses, has its own printing shops, radio and TV stations and their own distribution and sales network. They have a surplus of employees and outdated equipment, but being rounded media systems can use all their technical, marketing and publishing advantages. Those state-run media control all the most attractive distribution and sales points in the majority of Serbia's towns. Independent media, which have emerged in the past decade, are devoid of the aforementioned advantages, and can hardly compete with the "big media" in the market. Government has announced imminent tax reliefs for independent media and establishment of the state fund to provide assistance to them. 24

Media and the Hague Tribunal

War crimes and co-operation with the Hague Tribunal are still not priorities of the Serbian society. The same applies to moral issues stemming from them. Recent past is either relativised or glossed over. Serbian media tend to cover extensively only cases of Muslim and Croat war crimes suspects. Both electronic and print media have in parallel launched an intense anti-Hague Tribunal campaign, and the Tribunal is constantly depicted as an anti-Serb institution. The way the Serb media have covered the issue of Bosnian and Croatian indictment against Slobodan Milosevic best illustrate their negative stance on the Hague Tribunal and war crimes. Both indictments dispelled the illusion that all the blame should be squarely put on shoulders of communist Milosevic.

Coverage of Bosnian indictment against Slobodan Milosevic (he was charged with genocide, crimes against humanity, breaches of the Geneva Convention and violations of the laws and customs of war) was very scant. The Serb print media did not even present the basic elements of the indictment. They instead downplayed the development, as if it did not have any bearing on the future of the country and on the moral recovery of the society.

Serb print media even failed to ask experts and public figures to give their assessment of this important indictment. Even independent media which during the war years in its analysis pointed at the human engineering character of the conflict, (as confirmed by the indictment) this time around failed to re-assert their stands.

Indictment was issued on 22 November, but the print media carried pertinent news with only basic data on 23 and 24 November. Most influential daily in Serbia, "*Politika*" on 24 November ran an extensive agency piece on the Bosnian indictment against Milosevic.

At the International Conference on the European Future of the FRY, Yugoslav Foreign Secretary, Goran Svilanovic stated: "We shall have to launch a public debate on war crimes, bring to justice their perpetrators and finally to pass a law on co-operation with the Hague Tribunal. The stand on the Hague Tribunal should be the matter of the official policy of our country, and not the personal matter of some politicians (*Politika*, 25 November).

Much prominence was given to Kostunica's interview to "Sunday Times". Namely he stated that "Yugoslavia shall not allow the Hague Tribunal to access confidential military documents, for it its duty-bound to protect its state secrets". Kostunica added: "If the Tribunal's investigators were to come into possession of the Yugoslav state secrets, it could compromise the latter".

"Hand-over of documents and of the war crime suspects to the Hague Tribunal are too complicated and sensitive issues to be resolved outside the corresponding legal framework ", cautioned the Yugoslav President (*Politika*, 26 November 2001).

On the same day "*Politika*" carried assessments of the Paris-based Radio France International that "Milosevic is the first head of state to be accused of genocide....text and wording of the indictment gives a comprehensive picture not only of responsibility of a man and his policy, but also of the character of war against Bosnia" (*Politika*, 26 November).

In commenting Milosevic's complaint about the infra-red camera surveillance of his cell, "*Politika*"'s journalist pointed out: "He should be more concerned over genocide and other charges, and also over grave words which sum up all the most heinous and inhuman crimes, the ignominious trail of bloody armed conflicts. Moreover he should be also concerned over impact of this indictment on the future of states in the Balkans" (*Politika*, 27 November) .

Independent daily "*Danas*" on 24 November carried a short news item on the "Bosnian indictment" in the form of the statement of Tribunal's spokeswoman Florance Hartman, to the following effect: "Milosevic is charged with crimes committed in the territory of Bosnia and Herzegovina in 1992-1995 period, including the siege of Sarajevo and Srebrenica massacre". What characterised the entire coverage of the indictment was that the genocide charge was mentioned only in texts, and not in headlines, or sub-headings.

Dailies "Blic", "Glas javnosti" and "VeCernje novosti" carried short agency news on the indictment. Likewise the electronic media. Biljana Kovačević-Vučko told "Radio B92" that "charges in the indictment shall be difficult to prove".

Of over 100 print media in Serbia, none ran excerpts from the indictment to help clarify and understand the latter. But legal aspects of indictment related to possible payment of compensatory damage to Croatia and Bosnia and Herzegovina were commented.

Helsinki Committee for Human Rights in Serbia, within its Facing Project, organised a panel discussion on counts of the most recent indictment, notably on the chain of command responsibility of Milošević. Participants in the discussion were international law experts Milan Sahović and Milivoje Despot, lawyer Dragoljub Todorović and Sonja Biserko. However the panel discussion was minimally covered by domestic media. On the other hand it was given great exposure by Serbian language services of foreign radio stations.

The aforementioned scant coverage of an important development indicates that the state still sticks to its self-isolation course. Moreover, all news may be reported, as long as their gist is glossed over. News about Milošević's days in the Hague prison, similarly to those related to his family, still make the headlines. At the same time the Hague Tribunal is vilified as an anti-Serbian institution, and responsibility of the SFRY disintegration is shifted to external factors.

Coverage of the Hague criminal proceedings and trials is very selective. Most cases are not put in a broader context of the past, decade-long developments. The current media space is very politicised, diversified and highly unprofessional. The fact that excerpts from the Bosnian indictment were not run and the lack of in-depth analysis thereof indicates that the media are not ready to take on a serious research which would mark the beginning of the transition process in their very province.

On the other hand the media tend to voice speculations regarding the genocide-related parts of the indictment. In other words they engage in conjectures about possible revision of the Dayton Accord in terms of abolishment of entities. For example Predrag Simić, adviser to Vojislav Kostunica, comments that the goal of the Bosnian indictment against Milošević is to prove, among other things, that Republika Srpska and the Dayton Accord are results of genocide and consequently illegitimate creations ("Borba", 28 November-2 December 2001).

End notes:

1. Under the punitive provisions of the Public Information Law 67 media in 1998-2000 period paid fines totalling DM 2.5 million (FONET, 3 January 2001).
2. Snježana Milivojević, *Danas*, 18 September 2001
3. *Danas*, 18 September 2001
4. "Beta", 22 March 2001
5. "Beta" 20 September, 2001
6. NUNS File 11, June-August 2001
7. Texts on wrongdoing in Jagodina Brewery, Ready-to-Wear Plant "Resava", AIK and those on corruption, *VeCernje Novosti*, 12 June 2001.
8. Ibid: According to Federal MP Miodrag Nikolić members of the former regime, responsible for plundering of the Novi Popovac cement plant (their kickbacks in 2000 alone amounted to DM 100 million) are panic-stricken. He added that similar plundering was reported by the Jagodina Brewery.
9. *VeCernje Novosti*, 17 June 2001
10. *Politika*, 19 June 2001
11. *VeCernje Novosti*, 19 June 2001
12. Beta Agency, 3 November 2001
13. File 11, 2001
14. *Danas*, 23-24 June 2001
15. Radio B 92, 15 February, 2001
16. *Danas*, 6 March 2001
17. *Danas*, 26 February 2001
18. *Politika*, 2 August 2001
19. *Reporter*, 20 June 2001
20. *Reporter*, 20 June 2001
21. *Politika*, 18 May 2001
22. *Politika ekspres*, 1 February 2001
23. *Blic News*, 7 February, 2001
24. *Danas*, 9 February, 2001

REVIVAL OF CONSERVATIVE IDEA

Ouster of Milosevic paved the way for introducing changes, but the absence of readiness for a major turnaround and a clean break with the recent past soon became evident. The latter could be exacted only under pressure of the international community which is primarily interested in pacification of the region, transition and co-operation with the Hague Tribunal. 5 October 2000 was overrated by the domestic and international public opinion, which in turn created only a cover for a new re-distribution of power. Conservative ideas, which dominated throughout the 20th century, were in fact routed, but after 5 October no ideological alternative emerged. The civil option in the midst of a serious crisis cannot fully counter the Left, that is, disoriented and compromised Socialists. The ongoing process of degeneration of conservative ideas and nationalism, gave birth to a bevy of the far-right groups, which don't offer an alternative program, but only the one charged with religious and national bias. Having become part of official culture and of a dominant cultural model, nationalism penetrated all pores of social life.

The Serbian Orthodox Church and the FRY President Vojislav Kostunica, a renowned conservative nationalist, are behind the newly emerged right-wing groups.

Downfall of Milosevic marked the end of the Communist ideology. The ensuing political vacuum was filled up with anti-Communism, monarchism and Orthodox religion. The SOC gained a prominent role in the political scene, and that development was wholeheartedly backed by the FRY President. It consequently gained a dominant social standing which enabled it to launch a campaign of re-traditionalisation of spiritual and public life. The SOC managed to have religious education re-introduced in schools and other institutions, and it is likely to have its property reinstated and see the Theological Faculty return to the fold of the Belgrade University. Although it declaratively opposes any extremism, the SOC glosses over the hatred-, anti-Semitism and hate speech-generating activities of its officials which negatively affect the status of religious and ethnic communities.

The new Serb Right is not an original or authentic phenomenon, as it draws on ideas of the Russian contemporary Right, and its ideologue Aleksandar Dugin, editor of review "Elementi". Pavle Rak 1 believes that Dugin served as a model for review *Nove Ideje* published by Dragoslav Bokan and edited by Dragos Kalajic. According to Pavle Rak "the movement is broader and more massive than Fascism and Nazism, and relies on the early 20th century conservative revolution". The latter gave birth to many notorious movements notably Ljotic's "Zbor". All these movements share the view that "backwardness" is an advantage. That idea was embraced by the Serb academicians in the early Nineties. Serb and Russian right-wingers hate Jews and Masons, democracy, humanism, idea of equality and rights of minorities. They all engage in aggressive militaristic rhetoric and the cult of victim, blood and death. They are all "Orthodox" and espouse a belligerent variant of their religion. The mainstay of the Serb patriots and traditionalists is the Church. This also holds true of their counter-parts in Russia, but to a lesser extent.

Social and moral crisis generated an admixture of ideologies and negative phenomena, including anti-Semitism, racism, Stalinism, etc. Added to a revival of the fascist ideology whose main advocate in the pre-WW2 Serbia was Dimitrije Ljotic, Chetnic and Nedic variant of fascism have also re-emerged. The two are frequently at odds. Propaganda campaign of the right-wing ideas is frequently accompanied by a series of concrete actions taken by governmental bodies at all levels. Under the slogan-Let's Return to Tradition-personalities, assessed as prime movers of the most evil ideas-are being rehabilitated. In the book "Hundred Most Important Serbs" (first published in 1993, and re-printed in 2001) is included Milan Nedic, Prime Minister during the Nazi occupation. A theatre play on Nedic has had a very long run in Serbia.

Re-naming of a large number of streets, which was initiated by the Serbian Renewal Movement ten years ago, continues. Streets are currently being named after controversial personalities, rejected as "reactionary" by Communists. Major "reactionary" opponents of Communists were Milan Nedic, Dimitrije Ljotic, and Priest Nikolaj Velimirovic. Hallmarks of their ideology are anti-Semitism, anti-Communism, anti-Capitalism and anti-Liberalism. But in the past decade they all gained a privileged status in the Serb historiography. The Naming Commissions³ suggested that a Belgrade street be named after Vladimir Velmar-Jankovic, a Minister in Nedic's government. There was no public resistance to that suggestion.

Normalisation of activities

In the year 2001 the extreme right achieved two goals: it consolidated its social standing and its organisational network, thanks to extensive media promotion. The state, that is, federal

authorities, by tolerating the far-right activities, normalised their status. In the course of 2001 the number of neo-Ljotic members of "Obraz" organisation, established in 1993, grew. At the end of 2001 according to "Obraz" its membership reached a figure of 30,000. The notorious slogans of this movement are: "Let's Defend Our Serb Reputation", "Serbhood with Good Reputation", "Only Agreement Saves the Serbs", "Let's Fight for Rich Serbia". "Obraz" does not have faith in pluralism of interests of Serb people, but only in their rallying, a single, uniform system of values and joint fate of all Serbs". 3 Kostunica, the then President of Democratic Party of Serbia, wrote several articles for "Obraz"'s magazine. After having been elected the FRY President Kostunica never took his distances from the movement.

The Yugoslav Army also succumbed to influence of the far-right ideas. February issue of magazine "Vojska" started running a feature on Nikolaj Velimirovic, a die-hard anti-Semite. Author of the feature, Nebojsa Krstic, former President of "Obraz". Velimirovic penned many anti-Semitic articles, notably "Behind the Bars" in which he likened St. Sava to Hitler. In 1944 Velimirovic was released from prison in order to attend burial of Dimitrije Ljotic. "VojnoizdavaCki zavod", the YA Publishing House in the early 2001 published Svetozar Radisic's book, "Neo-Cortical War" which analyses the Trilateral Commission, transcendental medicine, alchemy, para-psychological phenomena and elaborates application of such knowledge in the military strategy. Nikolaj Velimirovic is mentioned as an indisputable authority. The Yugoslav Army also published a compendium of papers read at the round-table "The Church and Faith". Most papers tinged with anti-Semitism and religious intolerance were read by high church officials.

Velimirovic was promoted jointly by the authorities and the Church (the SOC) as an indisputable authority. In the meantime he became an integral part of subculture. The SOC media house "Svetigora" released a CD with songs inspired by Velimirovic's verses. Famous rock groups, Anastasia, Idoli, Partybreakers, EKV, Luna, La Strada, Bjesovi, Kurve and Darkwood Dub took part in that project.

Signs of hatred

Public life abounds in the extremist-provoked incidents, most often outpouring of hatred towards Jews and Romany. Unidentified persons have affixed leaflets with nazi swastikas on the door of cinema "Rex" on 14 February 2001 to protest against exhibition "Belgrade Romany since the early 20th Century", opened in that centre on 31 January. Similar incident happened in the seat of the Jewish Community in Belgrade, synagogue, the Jewish cemetery. Several days later similar leaflets were affixed on the building housing the Centre for Decontamination. Escalation of anti-Semitism was contradictory to the then promotion of the "Democratic face of Serbia". All this prompted criticism by President Kostunica. In a joint communique of MP groups of DOS, SPS and the Party of Serbian Unity also condemned the aforementioned incidents. MPs also decried religious and racial hatred and demanded the authorities to punish "perpetrators" of "those heinous acts", for only by "efficient opposition to such incidents we shall be rid of the disgrace they brought onto our people and state".⁴ Communique also went on to note: "Romany and Jews for years have shared the fate of Serbs and other peoples in this country. Anti-Semitism and hatred towards Romany and other peoples are alien to the Serb people. Hence the outrage caused by recent incidents".⁵ Federal Ministry of National and Ethnic Communities sharply condemned anti-Semitic incidents too. When compared to Milosevic era, the new period abounds in efforts of the new authorities to at least nominally satisfy some European standards, but fail to tackle the essence of Radicalism or legally sanction such incidents.

Belgrade lawyer Aleksandar Lojpur, assessed that "anti-Semitism does not exist as a real problem in Serbia", but "Romany are threatened as the poorest ethnic community in the country". Lojpur criticised "the current hyping of the role of under-age groups" and stressed that "he, as a Jew and Serb, has the right to say that he is not alarmed at all, for he has reasons to believe that those were only attention-getting incidents of several youngsters".⁶

Movement "Obraz"

Among the most prominent far-right organisations are Movement "Obraz", Association of Students "Sv. Justin Filozof", and some SOC officials. Most active are undoubtedly members of "Obraz", which was established as a movement, in support of magazine "Obraz", in 1993, and in late 2000 evolved into a political organisation. Since then its activities were very transparent. It launched a major propaganda campaign, that is its members drew on many public institutions a characteristic symbol of "Obraz", that is a cross and Greek letters alpha and beta and wrote the following slogans: "Only Agreement Saves Serbs", "Let's Fight for Reputation of Serbhood", "Let's Defend Our Reputation". This campaign is accompanied by an attractively designed web-site.

"*Obraz*" activities gained momentum after installation of the new authorities. Its former president Nebojsa Krstic 7 thus accounted for the latter phenomenon: "Serb people are extremely threatened at this moment of time". He went on to explain the re-launching of

Anti-Semites and fascists from the pre-WW2 period: "*Obraz* likes and appreciates all Serb nationalists, Priest Nikolaj Velimirovic, and also Serb "martyrs" Draza Mihajlovic, Milan Nedic and Dimitrije Ljotic,". *Obraz* fights against globalisation, atheism, secularism, and abuses and violations of human rights and freedoms, we are against everything that is contrary to the Serb tradition". A series of incidents were linked to this organisation.

In March 2001 a graffiti "KoraC-Jewish Conspiracy-*Otpor*" was drawn on the building of the Philosophical Faculty in Belgrade. According to Zarko KoraC 8, Vice Prime Minister of Serbia and a professor of that faculty, "those messages are identical to ones on the Internet site of "*Obraz*". According to the media "the police visited the scene, but made no statement about the case". That incident prompted Ratibor Trivunac, member of the Students' Union of the Philosophical Faculty 9 to state: "We are not only a venue in which freedom-loving ideas are developed....we have become a spawning ground of conservative and fascist ideas". He and the majority of students thought that behind this incident was: "a group of students and professors from the History Department, who even at lectures promulgate the far-right ideas".¹⁰ Before that incident, a group of thugs broke into the premises of the Social-Democratic Union (whose President is Zarko KoraC), vandalised all the technical equipment and roughed up three members of the party.

Sv. Justin Filosof

On 28 February 2001 the Association of Students "Sv. Justin Filosof", was founded at the Belgrade Philosophical Faculty. Its newly-elected President Andrija Vujovic, a history student, stated that "any Serb of Orthodox religion may join the association". He underlined that "the Association shall fight with all the means available against enemies of Serb people and Orthodox religion". Moreover Krstic and Vujovic sent the following message to "fools and idiots rallied around Vesna Pesic, Goran Svilanovic and Ivan Stajner" ¹¹ : "we shall fight you tooth and nail". They also announced a showdown with "homosexuals, if they stage demonstrations...and with those advocating shortening of military service at the moment when Serbhood is threatened".¹²

'sv. Justin Filosof' organised several panel-discussions under auspices of university professor Rados Ljustic and high SOC officials, including bishops Danilo Budimski, Sava Vukovic etc. Assembly of the Orthodox-National Youth of Serbia of Philosophical Faculty was held for the first time after 1944 at the Philological Faculty on 6 December 2001. Participants in the Assembly unanimously declared that they would never renounce the "spiritual vertical of Serb history". They issued a ten-point proclamation which included the assessment that "the New World Order would be more totalitarian than all totalitarian regimes together", and that "Orthodox religion, nationalism, monarchism, anti-Communism and anti-globalisation are pillars of the Orthodox-national youth". Contents of proclamation are redolent of religious and national intolerance. "To identify nationalism with chauvinism, is identical to identifying love and hatred", said Branimir Nedic, one of editors of magazine "Dveri srpske" published by the Philological Faculty as an intellectual beacon for founders of the Assembly. Dr. Rade Bozovic, Dean of the Belgrade Philological Faculty and some high SOC officials attended the Assembly. ¹³

After a series of runs-in with MPs of the ruling DOS, SPS MPs came to the Serbian Parliament session in April 2001 with yellow bands around their arms. Aca Singer, President of the Association of the Jewish Communities of Yugoslavia, assessed the move as "indecent" for "the yellow band was the first step indicating future massive extermination of Jews...moreover that incident coincided with the Ha Shoa Day, or Day of Remembrance of 6 million victims of Holocaust and the Warsaw Ghetto Uprising". ¹⁴ Only small, anti-war parties, notably the SDU, reacted to the incident. SDU said that "it was a metaphorical provocation of racial intolerance and an indirect manifestation of anti-Semitism".

In mid-April 2001 some Jewish families received threatening letters, and nazi swastikas were drawn on facades of their houses. The League of Social-Democrats of Vojvodina sharply condemned those incidents. ¹⁵ Anti-Semitism, as a form of racial intolerance is primarily manifested through graffiti, publishing activity, speeches of some individuals at panel discussions and desecration of Jewish monuments and cemeteries. Although such manifestations are punishable under the FRY laws, very little has been done to bring the offenders to justice.¹⁶

Prime movers of the far-right ideas and actions are one-thousand (according to some estimates) strong skinheads in Serbia. Majority of them are rallied in organisation "Blood and Honour", a branch of the international namesake. In Belgrade there are also representatives of

Hammer Skinheads Movement. They can be seen everywhere: in pubs, cafes and at parties. They drink everything, but don't take drugs. 15 The youngest skins are 15-years old and the oldest are 40. One of them stated: "several of our boys were at battlefields of Krajina and Kosovo. We are always in places in which Serbhood is threatened".

Serb skinheads like to say that they are members of an illegal movement, like pre-war Communists. They think that their arrests are logical, for "we work against the Constitution of this country by propagating racial, national and religious hatred". But they add: "we hate only those who were against Serbs in recent Serbia's wars. Is it wrong to hate the ones who killed your people from Bosnia to Kosovo? We don't like those who mentally occupy us". Skinheads also fight sects and homosexuals..."it is our self-defence against the enemy who is trying to destroy Serbia and white Europe".

Skinheads are against communism and socialism and are looking for the third way to national-socialism. Their solutions for arrangement of the state are extreme-confinement of Romany in special ghettos or their collective re-settlement in India. For Albanians they planned return to Turkey and liberation of Kosovo as "a holy Serb land". According to skin-heads children from mixed marriages are of a lesser social value and "we don't recognise them as Serbs.!" They publicly admit that they are behind "the national-socialist messages sent to Gypsies and Jews in Belgrade....for our ideology also embraces the fight against the new world order and Zionism and the one for awakening Europe in order to prompt the continent to start a showdown with international Masonry". According to them the previous regime was "a gang of criminal, plundering thugs", while the new authorities are "just a vehicle of international Zionism and puppets of the new world order".

In the early August the panel discussion on anti-Semitism organised in the building of CaCak Municipality by the Helsinki Committee for Human Rights, the Civic Parliament and local branch of SDU was interrupted by an anti-Semitic incident. From the outset the discussion was disturbed by incessant ringing of cell phones, and then several speakers started loudly vilifying Jews: "Jews are the worst people in the world", "Only 2 million, and not 6 million Jews perished in the Holocaust". 18 A poster on lecture about "the Serb patriot Dimitrije Ljotic" was affixed on the wall of hall of the building. On the poster was a caricature of Jews, in line with Ljotic's ideas.

Priest Gavrilovic's statement on TV YU INFO in late 2001 saying that "Jews use incest in order to keep property within the family" casued a stir among public opinion. Moreover he resorted even to statistiscal data to back his claim that "incest is the main cause of Jewish degenerationwhich by extension causes birth of great number of deaf and dumb children in Jewish marriages" (Nacional, 9 January 2002). Embassy of Israel and Alliance of Jewish Municipalities in Yugoslavia immediately protested, as well as foreign minister Goran Svilanovic, Minister for National Minorities Rasim Ljajic and Federal Secretary for Information Slobodan Orlic. Protojerej Gavrilovic responded by saying that "founders of New World Order, notably those of Jewish descent, want to control the world and the world media. Thus their unfounded and unjust criticism of my statement regarding incest on TV YU info" (Nacional, 10 January 2002).

Para-historical literature

On 18 June 2001 the District Prosecution Office rejected criminal charges filed by the Alliance of Jewish Communities of Yugoslavia against the "Centre" Publishing House from Belgrade for publishing "Protocols of Zion Elders, with the sub-heading "Jewish-Masonic devilish plan of conquest of the world", and introduction by Djordje Katic. The case was dismissed because "there are no elements of a criminal offence entailing investigation". The book is a reprint of the one published in the late Sixties, of anti-Semitic contents. Even the covers of the book indicate that the publisher intentionally wanted to fan racial, national and religious hatred. The introduction penned by certain Djordje Katic tries to link the alleged conspiracy to most recent events, notably NATO bombardment of Serbia.

Sociologist Laslo Sekelj assessed that the aforementioned decision was tantamount to legalisation of expressions of anti-Semitic stances and publishing of anti-Semitic literature, mostly reprints of books distributed during the Nazi occupation of Serbia. Added to that anti-Semitism was backed by certain theological and political circles, and only few individuals publicly raised their voice against such negative phenomena. 19

Anti-Semitic propaganda gained momentum through printing of numerous anti-Jewish leaflets. It is very aggressive and primitive. Recent publication "Beli andjeo" (name of its editor is not quoted) is replete with the following assertions: "Jews are guilty of all the evils of this world, notably of misdeeds committed against Serbs" and "Holy book "Talmud" advises the faithful to act in a Devil-like way-to lie, steal and kill".20

The Public Prosecutor also rebutted charges against Oleg Platonov's book "Why America is going to collapse-the secret world government". His principal thesis is that "the international, Jewish, Masonic and Bolshevik conspiracy is behind many contemporary developments in the world". Professor Smilja Avramov is against the book ban, for "students were mostly interested in Hitler's "Mein Kampf"". She categorically maintains that "Anti-Semitism have never existed and does not exist in Serbia...Serbs are perhaps only disappointed with indifferent, even anti-Serb position of Jews on our recent tragedy".

Milan Ristic, Professor of the Belgrade Philosophical Faculty, says that "a recent proliferation of dubious books is due to the chaos in the publishing market...behind many recent books there are problematic motives....Many books are reprints of Ljotic's books and similar-themed books published abroad. Many are tinged with anti-Semitism". According to Ristic "the publishing activity is in fact an enormous parasitic production espousing ideas whose practical consequences were- disastrous". 21

In the spring 2001 the Alliance of Jewish Communities of Yugoslavia filed criminal charges against Zivojin Savic and Ratibor Djurdjevic and editors of "HrisCanska knjiga" for publishing the book "Holy Bible-the Jewish Mirror, Contribution to Characterology of Jews", with introduction "Jews -Enemies of Mankind" penned by R. Djurdjevic. In late July the Helsinki Committee for Human Rights in Serbia also filed charges against unidentified publishers of the book "For the Balkans Judaism", a reprint of the 1912 anti-Semitic manuscript. But the Public Prosecutor's response is pending.

At the Belgrade Book Fair (October 2001) a large number of the Orthodox-nationalism-themed reprints was presented. Publishers of those books are "Nova iskra" and "Ihtus-HrisCanska misao". Principal themes are the so-called new world order, "anti-Judaism and education in pure national and religious spirit". On the stand a prominent place occupied Priest Nikolaj Velimirovic's reprints and books written by founder of the second publishing house, Ratibor Djurdjevic, notably "National Christian Manifest" and "Sound Psychology for Young Serbs". 22

Aca Singer, President of the Alliance of the Jewish Communities in Yugoslavia says that "Priest Zarko Gavrilovic and those rallying in the church of Aleksandar Nevski are behind anti-Semitic incidents". He also added that "despite Patriarch's condemnation of those incidents, the SOC does not oppose them energetically enough." 23

But the Public Prosecutor failed to legally sanction those incidents. His pretext for that non-action was the following: "there is no reasonable doubt to institute proceedings...everyone has the right to a different opinion". This is tantamount to giving a greenlight to the aforementioned publishers to continue their activities.

The New Right Wing and The Hague Tribunal

One of the main activities of the right wing groups is propaganda against the Hague Tribunal. They deny legality and legitimacy of the Hague Tribunal and accuse it of its anti-Serb attitude. They also see it as continuation of war of the international community against Serbs. In early 2002 the International Board for Truth about Former Leader of Bosnian Serbs Radovan Karadzic was founded and its main message was that "he would never surrender". Members of the Board claim that their main objective is to "inform national and international public about Karadzic's historical role". Members of the Board are the most prominent names from Serbian Academy of Arts and Sciences, notably Ljuba Popovic and Milos Sobajic (painters), Vasilije Krestic and Nikola Kusovac (historians), Radoslav Bratic, Rajko Petrov Nogo, Brana Crncevic, Slobodan Rakitic, Miroslav Toholj, Dragos Kalajic, Momo Kapor (poets and writers), Smilja Avramov and Kosta Cavoski (professors of international law). It seems that their statements aim at protecting their own positions and careers as well as preventing disclosure of truth about their own roles in the Serbian project.

Momo Kapor for example underlines that "as long as Karadzic is in mountains and caves there is hope that Serbs will have better future" (*Borba*, 7 December, 2001). At the same time, brother of Radovan Karadzic, Luka Karadzic, is promoting his latest book of poems all over South Serbia and even in some parts of Kosovo (Radio B-92, 26 January 2002).

End notes:

- 1 Nazis among us, Pavle Rak, 30 July 2001
- 2 *VeCernje Novosti*, 12 January 2001
- 3 *Knjizevne novine*, 28 November 2001
- 4 *Glas javnosti*, 15 February 2001

- 5 24 Casa, 16 February, 2001
- 6 *Danas*, 16 February, 2001
- 7 Nebojsa Krstic was killed in a car accident in December 2001.
- 8 Zarko KoraC is a Jew.
- 9 *Borba*, "Obraz" takes a remote-control action, 20 March 2001
- 10 *Politika*, "Obraz" fights against enemies of Serbhood, 22 March 2001
- 11 Goran Svilanovic and Vesna Pesic are presidents of the Civic Alliance of Serbia, and Stajnberger is a Jew.
- 12 Vesti, Free Serbia, 1 March 2001
- 13 *Politika*, 7 December 2001
- 14 *Danas*, 20 April 2001
- 15 *Danas*, 19 April 2001
- 16 *Danas*, 17 August 2001
- 17 *Danas*, 17 August 2001
- 18 Helsinki Committee documentation
- 19 Idem
- 20 *Blic*, 9 September 2001
- 21 Novi ekspres, 23-30 September 2001
- 22 Novi Ekspres, 7 December 2001
- 23 *Reporter*, 24 October 2001

CHURCH AND FREEDOM OF RELIGION

Introduction of Religious Training in Curricula of Elementary and Secondary Schools in Serbia

In 2001 the Serbian government decided to have religious training introduced in the Serbian school system as an optional course of study (The Decree on Organizing and Implementing Religious Training and an Alternative Subject in Elementary and Secondary Schools; Official Bulletin of the Republic of Serbia No. 46/2001 of July 27, 2001). No doubt that a decision as deserves to be commented from several most relevant angles.

1. Freedom to religion is one of fundamental civil rights nowadays recognized in all legal systems worldwide and in absolutely all international documents dealing with human rights. It is explicitly pinpointed in the Universal Declaration of Human Rights (Article 18), the International Covenant on Civil and Political Rights (Article 18), the European Convention on Human Rights (Article 9, para 1) and the Convention on the Rights of the Child (Article 14, para 1). The Constitution of the FRY (Article 43) and the Constitution of the Republic of Serbia (Article 41) include similar provisions.

Therefore, it is far from being disputable that every human being - and thus every child - has the right to freedom of thought, conscience and religion. Exercise of these freedoms recognizes no age limits. And, there is no doubt that freedom of thought, conscience and religion are exercised in full only if a human being can act in accordance with his or her thoughts, conscience and religion. Under International Covenant on Civil and Political Rights - ratified by the former Yugoslavia and binding present-day Yugoslavia under the rule on succession of states - everyone has the right to manifest his or her religion or belief in public or private, either individually or in community with others. Moreover, freedom to manifest one's religion or belief is considerably detailed in this and other international instruments. Instances of this freedom are quoted therein as worship, observance, practice and teaching. In terms of history and customs, the latter includes free choice of religious leaders, priests and teachers, free establishment of seminaries and theological schools, training for lay believers and publication of religious texts. Religious training for lay believers (i.e. religious teaching) is strongly influenced by a state's historical experience and culture, and, therefore, brims with largely different practices. However, one can distinguish three major strategies pursued in today's world: (1) exclusion of religious training from curricula of public elementary and secondary schools; (2) parallel school systems - secular and religious - both of which are state financed; citizens' religious needs are thus met in various religious schools or in fully secular public schools; (3) integration of religious and secular education in a single school system, wherein each school is linked to a particular religious community, while all of them are state financed on equal basis. So, in some countries (such as Germany, Austria, Italy, Greece, Ireland, etc.) religious training is traditionally taught in public elementary and secondary schools

either as mandatory or optional subjects, while other countries that are fully secular and have drawn a strict line between the state and the church (such as France, Slovenia or United States of America) consider religious training imposition of a single religion and impermissible religious indoctrination of children.

2. In an attempt to throw more light on interpretation of freedom of religion, the UN Committee on Human Rights – a special body set up by the International Covenant on Civil and Political Rights, to which member-states report on measures they take to secure the rights stipulated in the Covenant – set down in its General Comment to the International Covenant on Civil and Political Rights that “no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice”. Therefore, the Committee is of the view that Article 18 of the Covenant “permits public school instruction in subjects such as general history of religions and ethics if it is given in a neutral and objective way” and that “public education that includes instruction in a particular religion or belief is inconsistent with Article 18. para 4, unless provision is made for non-discriminatory exemptions or alternatives” (General Comment No. 22 /48/ Art. 18, Annex VI, para 6, p. 209).

When applied to domestic schools the Committee’s above stand should be tested from several angles.

Firstly, it should be determined whether the decision to have religious training introduced in curricula of elementary and secondary schools stand for “coercion of a religion or belief”, given that Yugoslavia has been a laical state with no religious training whatsoever in public schools for past 56 years. In other words, the International Covenant on Civil and Political Rights’ provision on freedom of religion protects theistic, but also atheistic beliefs, i.e. everyone’s right to refrain from manifesting any religion of belief and be totally indifferent to religious matters. Unfortunately, in its campaign for having religious training introduced in school curricula the Serbian Orthodox Church was hardly subtle when it came to vocabulary or means meant to justify the initiative. Moreover, the Church overtly displayed its readiness to gravely violate the very freedom to religion if invoked by atheists or agnostics. For instance, one of numerous releases issued by the Serbian Orthodox Church that were carried in domestic press said the following: “Claims such as that “religion stands for an individual’s privacy” or “introduction of religious training in school curricula threatens with turning the Church’s dogma into a pillar of ethic education are actually fears Satan and his followers have felt over past six decades – fears that are manifested everywhere under the skies of the country that used to be termed Serbia only as a name, without any sense for the notion itself” (Release by the Public Relations Service of the Serbian Orthodox Church run on the front page of the *Novosti* daily in its issue of November 24, 2000).

On the other hand, “coercion of religion or belief” must also be viewed in the light of the fact that here we have to deal with the community wherein, according to last census conducted in 1991, 34 percent of population were not Serbs (out of 9,778,000 people in Serbia, there were 6.446,000 Serbs, 1.674,000 Albanians, 344,000 Hungarians, 336,000 Muslims, 111,000 Croats, etc.). The number of atheists or agnostics was never asserted, since census forms were not designed to gather such information (Statistical Yearbook of Yugoslavia, Federal Statistics Bureau, Belgrade, 1997, p. 58).

Secondly, “non-discriminatory exemptions or alternatives” were duly interpreted in today’s multireligious Serbia by setting forth the right to religious teaching not only for child believers of the Serbian Orthodox Church, but also those of six other traditional churches and religious communities, as well as by introduction of an alternative subject titled as “civic education”. The latter figures as everyone’s freedom not to opt for any instruction in the above mentioned religions. Apart from the Serbian Orthodox Church, other traditional churches and religious communities that have relevant religious teachings in public schools are the following: the Islamic Community, the Catholic Church, the Slovak Evangelist Church a.v., the Jewish Community, the Reformatory Christian Church and the Evangelist Christian Church a.v. (Articles 1 and 2 of The Decree on Organizing and Implementing Religious Training and an Alternative Subject in Elementary and Secondary Schools). As it seems, however, the view that freedom of religion or belief should in no way be limited to traditional religions or religions and beliefs that are institutionalized has still not taken root. Going through the text of the above mentioned governmental decree one cannot but feel that “traditional churches and religious communities” are favored in many aspects and privileged when compared with newly established minority of sectarian churches. Therefore, it is worthwhile to remind that the international law takes all tendencies to discriminate any religion or belief for no matter what reason as something one should be concerned with.

Finally, it is imperative to question appropriateness of a policy spending funds from the anyway meager budget the state has set aside for education on multiple religious training, rather than on scores of crying needs in the sphere of education. The latter ranges from catastrophic state of school buildings, lack of elementary teaching aids, impermissibly poor teachers’ salaries,

to outdated curricula and dull, inexpertly written textbooks. Wouldn't it have been far better if several thousand personal computers had been bought to assist technological education of young people in Serbia, instead of organizing religious instruction that, as the Minister of Education put it, would cost the state over one million euro?

3. There is yet another dimension to freedom to religion. Actually, all above mentioned international instruments dealing with human rights stipulate that no one should be forced to reveal his or her thoughts or beliefs, since the right to privacy, as an umbrella term for several rights that mutually differ just at first glance, is set forth as a subject of protection. These rights include respect for private and family life, inviolability of home and correspondence and a person's psychological and moral integrity (Articles 1 and 12 of the Universal Declaration of Human Rights, Article 17 of the International Covenant on Civil and Political Rights and Article 8 of the European Convention on Human Rights). The Constitution of the FR of Yugoslavia also explicitly prohibits mandatory disclosure of one's religious belief (Article 43, para 2). This makes any obligation on the part of a citizen to voice out his or her thoughts and beliefs, even in the case when this stands for exercising of a recognized and protected human right, contrary to freedom of thought and conscience. In other words, everyone has the right to identify his or her religion at will, but a civil state wherein similar beliefs are seen as a matter of privacy shall not permit any individual to be coerced into imparting information about his or her religion. Therefore, inviting parents or a child to speak up whether or not the child wants to attend classes of religious training, or for what kind of religious training the child opts, can be considered overt coercion against the background of religious intolerance and ethno-nationalistic manipulation prevalent over past years. Moreover, this can be taken as "listing" of those that are "commendable" and "pious" on the one hand, and those that are "unbelievers" and "heretics" on the other. Given the painful experience of recent wars in Croatia, Bosnia-Herzegovina and Kosovo that also stood for religious wars to considerable extent, one could hardly assume that schools are able to treat parents and children declaring their religion in a way that protects personal dignity and the right to diversity.

4. There are times when a child's right to express his or her religion or belief cannot be exercised without help from elders. Namely, a child adopts his or her parents' religion or belief and learns religious practice from them, or adopts atheism of persons closest to him or her that decisively influence the child's breeding, development and education. Therefore, states-parties to international covenants on human rights undertake to have respect for the liberty of parents and other persons *in loco parentis* to ensure the religious and moral education of their children - which, no doubt, includes religious training - in conformity with their own convictions (Article 18, para 4, of the International Covenant on Civil and Political Rights and Article 14, para 2, of the Convention of the Rights of the Child). Moreover, under Protocol I of the European Convention on Human Rights - the first and major document Yugoslavia should ratify to become a full-fledged member of the Council of Europe - parents are entitled to have their child's entire education and schooling "in conformity with their own religious and philosophical conviction". However, such provision of the international law was not intent to make religious training in conformity with parents' convictions mandatory for states-parties. On the contrary, its purpose was to set forth parents' right to protect their children from a state using educational institutions for ideological indoctrination. For, a state can for sure influence children's religious and other beliefs by, for instance, having them learn about just one religion, while bypassing instruction in other denominations. Or, a state can indirectly give upper hand to a single religion through favorable financial or administrative concessions. Unlike in the 19th century when a state had control over religious education of children, the European Court for Human Rights in Strasbourg takes parents' right to shape entire education and schooling of their children as inviolable. For example, in one of its rulings the Court said, "The State, in fulfilling the functions assumed by it in regard to education and teaching, must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner. The State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions" (*Kjeldsen, Busk Madsen and Pedersen v. Denmark*, Series A, No. 23 (1979-80) 1 EHRR 711).

5. Traditionally, the relationship between a child's right to education and freedom of religion has been viewed as a balance between states' duties and parents' rights. However, the international law sets down that a child's on his/her own right shall enjoy freedom to thought, conscience and religion (Article 14, para 1, of the Convention on the Rights of the Child). This right should imply a child's freedom to keep his or her parents' religion or adopt a religion or belief of his or her choice, since freedom of religion is unsustainable unless a person is entitled to change his or her religion or belief. And yet, the international community has not managed to reach a consensus in the matter of a child's freedom to religion or belief. This is best illustrated by refusal of some Islamic states to ratify international human rights documents defining this freedom under the pretext of its being "contrary to Islamic stands and values", or by a widespread practice of

abstention in the vote for international conventions' provisions setting forth this freedom (Holy See and Poland explicitly abstained from Article 14 of the Convention on the Rights of the Child, while most Islamic states abstained from all provisions they deemed incompatible with the Islamic law.) Unfortunately, this is why the international law cannot decide a child's religion unless his or her parents are in agreement about the matter, or the child's age or maturity to freely express his or her own views. In practice, theocratic and secular states basically differ when it comes to such matters. For instance, Iran, Jordan, Morocco and Algeria, as well as most Islamic states, take that a child should belong to the same religion as his or her father, and may practice religion but not change it. On the other hand, some countries such as Norway, Austria, Finland and Switzerland explicitly stipulate a child's freedom to have or to adopt a religion or belief of his/her own choice in accordance with his/her age. The Constitution of Norway provides this right to any child over 12 years of age, constitutions of Finland and Austria set down the age limit to over 15, while the Swiss law stipulates the age of over 16.

States that have not been reserved about international conventions' provisions setting forth freedom to religion - including the former and the present-day Yugoslavia - are still undecided when it comes to a child's age to exercise freedom of thought, conscience and religion at his/her own choice. The only hint about the issue is to be found in the general provision of the Convention on the Rights of the Child under which states-parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child (Article 12, para 1, of the Convention on the Rights of the Child). No doubt that freedom of religion and a child's right to education should include the issue of religious training in public schools, which is a matter affecting the child and, therefore, the child's views should be given due weight when he/she is capable of forming them. This makes the decision about secondary school students' free choice when it comes to attending or not classes of religious training highly commendable for its conformity with international standards in the domain of children's rights (Article 2, para 2, of the Decree on Organizing and Implementing Religious Training and an Alternative Subject in Elementary and Secondary Schools). However, one should always bear in mind that in practice this provision should be interpreted as indirect recognition of a child's right to freely opt for religious training in denomination of his/her own choice. In other words, a teenager should be entitled to form beliefs that are contrary to those of his/her parents, and eventually change his/her own beliefs.

6. In terms of domestic law, obstacles to having religious training introduced in curricula of elementary and secondary schools seem to be insurmountable. Namely, both the Federal and Serbian constitutions proclaim the principle of separation of the Church from the State (Article 18, para 1, of the Constitution of the FR of Yugoslavia and Article 41, para 2, of the Constitution of the Republic of Serbia). In other words, the State shall not interfere into religious matters inasmuch as the Church shall have no competence over some exclusively secular issues such as the public schools system. It goes without saying that the separation of the Church from the State does not imply either abolition of or restriction to an individual's freedom to religion. All it means is that the Church figures as a private, intimate place for practicing religion or belief, rather than a state or political institution. A secular state also respects freedom to religion, but does in the a way that makes it possible for any individual to express his/her religion or belief, without discriminating those holding some other beliefs or are nonbelievers. Therefore, all religious communities are entitled to pursue religious activities at their choice and even organize religious training or schools, but do it outside public and legal spheres pertinent to a secular state and public schools. A liberal, democratic and secular state – one of the modern age's major attainments – must set a public order offering a neutral value judgment towards any of its citizens' ideological, political or religious beliefs.

It is the above fact that mostly questions legality of the Decree on Organizing Religious Training. For, provisions of present laws on elementary and secondary schools are quite explicit about the Minister of Education being exclusively in charge of deciding curricula and textbooks, and setting down rules for assessment of textbooks and teachers' qualifications. However, the Decree says that the Minister of Education and the Minister of Religions decide the curriculum of religious training in mutual agreement once traditional churches and religious communities submit them a mutually concerted proposal, while the Minister of Religions is the one who, at a mutually concerted proposal of traditional churches and religious communities decides on textbooks, and teachers' qualifications, as well as the criteria for grading the students that attend classes of religious training (Cp.: Article 20 of the Law on Elementary School, Article 24, para 1, of the Law on Secondary School, and Article 5, para 2, of the Decree /Curricula/; Article 23 of the Law on Elementary School, Article 25 of the Law on Secondary School and Article 7, para 1, of the Decree /Textbooks/; Article 46, para 5, of the Law on Elementary School, Article 48, para 7, of the Law on

Secondary School and Article 11, para 3, of the Decree /Grading/; Article 67, para 3, of the Law on Elementary School and Article 8, para 2, of the Decree). It is evident that the Republic of Serbia has unconstitutionally and illegally handed over a part of its exclusive competencies in the sphere of education to some churches and religious communities. Passing of the said Decree was thus an overt breach of constitutional and legal provisions, and, as such, can hardly be sustainable in a state claiming its support for the rule of law. One may thus expect the Constitutional Court would have the Decree's legality on its agenda in near future.

7. The Serbian government made a wrong move when it decided to have religious training introduced in curricula of elementary and secondary schools. First and foremost, a decision as such is contrary to its proclaimed option for a modern, efficient and, therefore, secular state. And, consequent upon this step, school children will be in a part educated in the spirit of religiousness - in accordance with catechism aimed at imbuing them with devout state of mind. Such state of mind can hardly result in a proper perception of reality, as it sources from dogmas, exclusiveness and total subservience to authorities, rather than from exact knowledge and human experience. Here is how, for instance, the Serbian Orthodox Church explains to its believers why one has to stand against abortion: "Contrary to feminists" political slogans, actual aesthetics, and spiritual and physical reality of an abortion make everything less valuable. An abortion is close to a mode of deadly medical destruction. It "liberates" women and their babies in the same way as Auschwitz "liberated" the Jews. It affects women in the same manner as pornography - it uses them, it blackens them and boils them down to the level of sexual slaves on the one hand, and common "reproduction citizens" protecting their careers on the other. It turns the birthing womb into a death chamber wherein an exhausted, agonizing and woeful child dies quietly in silent cries" (*Abortion Is a Murder - the Serbian Orthodox Church's Stand on Womb Infanticide*, Bulletin of the Zica Eparchy, 2000, pp. 14-15).

A tendency of identifying religion and spirituality, belief and moral values, is also hardly acceptable. Religions are not exclusive heirs apparent of major moral values of the mankind, as these values have become inseparable from public order of all enlightened and civilized societies. Love for one's neighbor is not just the Book's commandment, but also an inborn need of every human being to prove himself and survive. Family life is not significant because of a church's authority, but because it meets each individual's need for a life together. The notion of bodily sin is contrary to the value system of modern age dominated by the right to freedom and the right to self-determination. In other words, education in public schools of the 21st century Serbia should be based on doubts about everything, rather than on creeds. It should be founded on scientific knowledge, rather than on creationism; on life, freedom and autonomy, rather than on imposed sin.

Instead of religious training, therefore, a course of study instructing students in general history of all religions and religious ethics in a manner that would be neutral in terms of value judgment, rational and critically hued, should have been introduced in schools. The Ministry of Education should be in charge of such subject - it would set down its curriculum, select textbooks and assign qualified pedagogues to teach matters dealing with religion, rather than officials drafted from religious communities. All students, regardless of their religions or having any beliefs whatsoever, would attend these classes. A well-organized and thoroughly prepared, modern course of study as such, able to instruct students in universal and eternal values inherent to religions, their influence on history and art, and their effect on development of an individual and society, would be most welcome. Knowledge about religions and spirituality, conveyed in an objective and pluralistic manner is imperative for a person's understanding of philosophy, history, literature, painting, architecture and other forms of human creativity and the world's heritage, and are inseparable from general education and civilization of the mankind.

II Church and Army

In its official activities aimed at the Yugoslav Army, the Serbian Orthodox Church has occasionally violated the constitutional principle of the Church's separation from the State. These activities have been pursued in various forms. Here are some most striking examples of religious rites interfering in regular and exclusively secular competencies of military institutions.

1. "A concert of liturgical chants in honor of St. Sava was organized in the Yugoslav Army Central Club yesterday evening. His Holiness Patriarch Pavle, Chief of Yugoslav Army General Staff Lt. Gen. Nebojsa Pavkovic and a number of high-ranking officers of the Yugoslav Army attended the occasion" (*Politika*, the issue of January 26, 2001).

2. "Chief of the Yugoslav Army Department for Morale Lt. Gen. Milan Simic said, "The Army is drafting amendments and supplements to the code of practice that will stipulate religious practice in the Yugoslav Army. Just priests of the Serbian Orthodox Church will be present full

time among the troops, while members of other denominations will be guaranteed full freedom to express their religious needs" (*Blic*, the issue of March 15, 2001).

3. "On the occasion of major Christian holiday, the St. George's Day, Bishop of Vranje Pahomije paid a visit to the troops stationed at firing line and served the holy liturgy in the temple of the Serbian Orthodox Church, the St. John Church" (*Danas*, the issue of May 7, 2001).

4. "Serbian Orthodox facilities will be constructed within military institutions and barracks gradually and in accordance with financial resources. In line with principles of equality of all religions, members of other denominations will be given maximum opportunity to fulfill their religious needs, but outside military facilities" (*Borba*, the issue of May 8, 2001).

5. "I promise that soldiers and officers of the Yugoslav Army, particularly those of the Third Army, would do their utmost to have an even more beautiful church built in the shortest possible while', Chief of the Yugoslav Army General Staff Lt. Gen. Nebojsa Pavkovic said in Nis yesterday. Lt. Gen. Pavkovic and Lt. Gen. Vladimir Lazarevic, commander of the Third Army, together with their associates visited scorched ruins of the Synodal Temple in Nis" (*Blic*, the issue of October 15, 2001).

III Church and Political Decision-Making

There is almost no political topic the Serbian Orthodox Church has not voiced out its opinion about. In principle, the Church thus exercises its constitutional right to free expression (Article 35 of the Constitution of the FR of Yugoslavia and Article 45 of the Constitution of the Republic of Serbia). As a rule, however, the Church expresses its pros and cons in censorious, intolerant and often aggressive terms, targeting those with differing stands. This is particularly so when it comes to anything that has to do with the Montenegrin Orthodox Church and future Serbian-Montenegrin arrangement. Here are several illustrative instances:

1. "I think it would be best to remain together. No matter of the type of arrangement made. Montenegro should be joined with Serbia. As for the Church, there has only been one all along. God forbid! But if it (separation) happens, there will still be just one church,' Patriarch Pavle said in an interview with the NIN weekly" (*Blic*, the issue of January 6-8, 2001).

2. On several occasions, Federal Minister of Religions Bogoljub Sijakovic addressed political issues by referring to the Church's "political responsibility" and "nation-building qualities". This is what he said once, "Those that criticize the Church for interfering into political matters and reproach its officials for not willingly depriving themselves of their constitutional rights, just manifest that they hanker after the former constitution that guaranteed these rights just to them. Were they consequent, they should ask for the Constitution to be amended... And when claiming the Church should better distance itself from everything, they are unaware of the sin of getting distanced so as not to be mistaken: to wash one's hands of everything, the way Pontius Pilate did, would be the biggest sin. The more so since our Church is the church of our nation, and a nation-building one from a historical angle. Therefore, it is its duty to behave in a politically responsible way in particular times. Namely, it is its duty to be responsible to its believers in today's political reality" (*Novosti*, the issue of January 6-8, 2001).

3. Budimir Aleksic, adviser to the Minister, told a press conference convened by the Ministry of Religions that "the way the Podgorica regime treats the Diocese shows its intention to install an excommunicate". "Present-day situation in Montenegro is such that the Montenegrin Ministry of the Interior is the only police worldwide that have set up a special center for protection of such delinquents", said Sloba Stanisic, professor at the Cetinje Seminary (*Novosti*, the issue of January 13, 2001).

4. "The Committee for Kosovo and Metohija of the Serbian Orthodox Church Synod appealed yesterday to new authorities of Serbia and Yugoslavia to form a state committee for Kosovo and Metohija in the shortest possible while" (*Ekspres*, the issue of January 13, 2001).

5. "Followers of the so-called Montenegrin Orthodox Church broke into the St. John the Baptist Church in Bajice in the night of January 19-20," Father Dragan Stanisic said in an interview with *Glas javnosti*... "This sacrilegious action was taken with the blessing of twenty-odd policemen who forbade me and believers to come near the church', he said" (*Glas javnosti*, the issue of January 23, 2001).

6. "The government of the FR of Yugoslavia assigned a building in Paris to the Church" (*Blic*, the issue of February 3, 2001).

7. "In spite of all protests voiced by the Montenegrin-Coastal Diocese, attacks on and attempts to snatch away churches and their property are still going on with the Montenegrin regime's approval', said lawyer Radoslav V. Nedic, member of the Montenegrin-Coastal Diocese's Legal Council, while retelling *Glas javnosti* conclusions of the meeting that took place in Cetinje" (*Glas javnosti*, the issue of February 5, 2001).

8. "Passing of system laws aimed at regulating relations between the Church and the State in a civilized way, introduction of religious training in schools and restitution of property to religious communities are three major issues the Ministry of Religions has been focused on over first 100 days of its mandate', said Federal Minister of Religious Bogoljub Sijakovic" (*Danas*, the issue of February 23, 2001).

9. Headline: "They Burn Even St. Sava at the Stake". "Montenegrin heathens assault churches, people and ritual objects. Formerly, they leaned on plainclothesmen, while today they can count on the police in full uniforms. Excommunicate Dedeic has not occupied a single temple up to now" (*Novosti*, the issue of April 9, 2001).

10. "Bishop of Montenegro-Coast Amfilohije said the Church was 'entitled to have its say about the nation's vital problems in its own right'" (*Novosti*, the issue of April 14, 2001).

11. "Bishop of Montenegro-Coast Amfilohije said, 'People that have separated from God advocate separatism'" (*Svedok*, the issue of April 17, 2001).

12. "By saying in an interview with the Radio Mount Athos that he was entitled, as a citizen, to voice his opinion in matters decisive for the nation's fate, and in spite of some apt to interpret his straightforwardness as political engagement, Amfilohije messaged citizens to vote for people 'that are not afraid of God and ashamed of other people, since only they are capable of setting Montenegro on the proper path'" (*Borba*, the issue of April 20, 2001).

13. "We should take people back under the auspices of the Church, we should enable clerics and priest to have access to believers in barracks, hospitals, prisons and other institutions closed to the Church until recently', said Bishop Justin" (*Politika*, the issue of June 7, 2001).

14. "During his visit to Washington, Patriarch Pavle will sanctify the building of our Embassy in this city, at the invitation of Yugoslav Ambassador Milan St. Protic" (*Novosti*, the issue of June 13, 2001).

15. The Center for Child Lung Diseases and Tuberculosis was ceremoniously reopened yesterday after a two-year break. His Holiness Patriarch Pavle sanctified the building at the beginning of the ceremony" (*Blic*, the issue of June 16, 2001).

16. Bishop Artemije's letter to representatives of the international community:

"The international community, in tandem with Belgrade authorities, is expected to conduct a census, in accordance with the OSCE criteria, which would include all Serbs from Kosovo – those that are still there and those that have been expelled. This is your duty and responsibility undertaken under the Resolution 1244. Please, fulfill your obligations to Serbs, so that Serbs could fulfill your expectations and go to the polls...We take it is high time to make actions speak louder than words. Otherwise, we will no longer either cooperate with you or take part in the election" (*Danas*, the issue of June 27, 2001).

17. "In an atmosphere of votive candles, chanting of the chorus of the local Serbian St. Luke Church and appropriate prayers, Patriarch Pavle sanctified the Embassy of the FR of Yugoslavia in the US capital" (*Politika*, the issue of July, 26, 2001).

18. Patriarch Pavle's appeal to top people of the world scene:

"While stating that turmoil and hardship in this region were spreading, rather than ending, for which the ever growing Albanian terrorism is to blame, the appeal said it was obvious all this was not about fighting for human rights, but about the war over territories and changing internationally recognized borders through terrorism and ethnic cleansing of non-Albanian population" (*Politika*, the issue of September 15, 2001).

19. "Bishop Lavrentije of the Serbian Orthodox Church takes that the draft law on telecommunications, actually under public debate, directly affects the Serbian Orthodox Church, particularly its radio stations – Glas Crkve (Voice of the Church) and Svetigora (Mount Athos) – and that passing of such a law should be prevented" (*Politika*, the issue of December 1, 2001).

20. "Bishop of Sabac-Valjevo Lavrentije Trifunovic said, 'Atheists were those that were wagging recent wars in the territory of the former Yugoslavia, whereas officials from churches and religious communities were congregating and praying'" (*Danas*, the issue of December 15-16, 2001).

IV Church and Public Schools

The Serbian Orthodox Church's attitude towards the public school system was manifested in a twofold manner. Firstly, the Church launched a fierce campaign for introduction of religious training in curricula of elementary and secondary schools (discussed above), and was backed in its campaigning by a number of outstanding intellectuals as well. Secondly, the Church endeavored to make sanctification of school premises and other religious rites into regular school activities. Here are several typical instances of the two trends:

1. "The strong resistance we have over here (to introduction of religious training) does not source so much from the former regime's parties, as it does from the ranks of the so-called liberal, allegedly European-oriented Left. The latter are nothing but Marxist relicts and communists of the third generation. One should ignore them and introduce religious training', said Svetislav Basara" (NIN, the issue of January 4, 2001).

2. "Students of elementary and secondary schools throughout Serbia will mark the St. Sava Day by organizing festivities, cutting cakes dedicated to the patron saint and having awards bestowed to the best among them" (*Borba*, the issue of January 27-28, 2001).

3. "Yesterday Serbian Patriarch Pavle visited and sanctified the Miodrag Matic Elementary School in Belgrade, the only institution for education of children with cerebral palsy in Yugoslavia" (*Novosti*, the issue of February 7, 2001).

4. "Resumption of religious training in the Serbian school system stands for an act of the society's democratization. Accusations that it is -an imposition of religion- should be ignored since their authors are mostly people that have replaced their religion with Marxism after the World War II', said Serbian Patriarch Pavle in an interview carried in the Sunday issue of the Political daily" (*Danas*, the issue of August 20, 2001).

5. "Serbian Premier Zoran Djindjic said he hoped deputies of the People's Assembly would vote in the amendment to the Law on Elementary and Secondary Schools so as to have religious training introduced in curricula as a supplementary subject. 'The focus of attention has unnecessarily been moved from a positive angle - the fact that parents are given the opportunity to make a choice - to the negative one saying, allegedly, if you want nothing, you can opt for nothing, which is not freedom' said Djindjic" (*Danas*, the issue of September 4, 2001).

6. Around sixty professors, academicians and public figures welcomed reintroduction of religious training in public schools in Serbia. 'We hope that resumption of religious training would mark a true breakup of communist and post-communist heritage in education, culture and arts, and would be a symbol of forthcoming, thorough reform of the school system' says a letter signed by Slobodan Rakitic, Matija Beckovic, Danko Popovic, Dragomir Acovic and Sima Avramovic" (*Politika*, the issue of September 24, 2001).

7. "The Serbian Orthodox Church Synod strongly protests against all people from the Ministry of Education and Sports, as well as those from elementary schools, that misused their authority and are nowadays, contrary to all previous agreements and a basic principle of democracy providing equal treatment for religious training and the alternative course of 'civic education' engaged in an organized a hunt for religious training and in psychological violence against parents and students opting for it" (*Danas*, the issue of September 29-30, 2001).

8. "Serbian Patriarch Pavle is expected to offer a ceremonious class of Eastern Orthodox cathedism in the King Peter I Elementary School in Belgrade today at 11:00 a.m. The ceremony will mark reintroduction of religious training in schools' curricula after an almost 60-year break. According to a release issued by the Public Relations Service of the Serbian Orthodox Church, Serbian ministers of religions and education, Vojislav Milovanovic and Gaso Knezevic, will attend the occasion" (*Danas*, the issue of November 2, 2001).

V Church and Other State Institutions

Finally, what also marked activities the Serbian Orthodox Church pursued in 2001 was its endeavor to be present in some other state institutions such as hospitals and prisons. Some examples are given bellow.

1. "Yesterday His Holiness Patriarch Pavle gave his blessing to the idea to have clerks in holy orders installed in hospitals and other medical institutions in Serbia in order to meet religious needs of patients belonging to the Serbian Orthodox Church" (*Borba*, the issue of March 3, 2001).

2. "A student of the Military Gymnasium in Belgrade, M.K., a 17-year youngster from Smederevo returned to barracks after a short leave he spent in his hometown. His strange behavior and blurred stare immediately caught the eye of his superiors. They talked to him and he confessed everything. His was tasked with killing all his comrades. He was so ordered by Satanists he belonged to" (*Ekspres*, the issue of March 27, 2001).

3. "As of recently the Clinical Center of Serbia got its own cleric. It is Father Milan Tomic who will from now on, with the blessing of the Serbian Orthodox Church and Patriarch Pavle, take care after patients religious needs" (*Politika*, the issue of April 7, 2001).

4. "The Serbian Orthodox Church said on Friday that over past several days its clerics had been installed in hospitals in Kragujevac, Jagodina, Smederevska Palanka and Mladenovac, while Archdeacon Zivota Markovic had been appointed to the clerical office in the Kragujevac Penitentiary" (*Blic*, the issue of April 24, 2001).

5. A headline: "Religious Rites in Prisons from Now on" (*Politika*, the issue of May 25, 2001).

Annex I

ANTI-SEMITISM

Ouster of Slobodan Milosevic in October 2000 did not lead to a complete break with the legacy of his regime. Aside from a continuing formal-legal framework and mechanism of power, the persisting legacy is mirrored in non-relinquishment of the (defeated) Greater Serbia Project, nationalism, denial of recent crimes and atrocities, and reluctance to face up to recent wartime responsibility. Absence of repression, as the last defence line of the former regime (it was practically the only important change on the domestic plane) encouraged far-right organisations (notably still unidentified "Orao"), groups and individuals to step up their public activities. Ideological profile of current authorities, self-styled "democratic nationalism" is just a cover for makeover of ethnic nationalism and slide of society into clericalism, traditionalism, anti-globalisation, xenophobia. In the political and social arena, which failed to articulate options and forces bent on fundamental reformation of society and re-definition of general social goals in direction of modernisation and acceptance of existing European and international civilisational standards, criteria, old ideas are again gaining an upper hand. In such a general context, escalating anti-Semitism is more than an accompanying phenomenon, and merits special attention.

Pre-WW1 period

In his book "Yugoslavia and the Jewish Problem" (1938) E.B. Gajic maintained that in Yugoslavia there was no formal or genuine discrimination of Jews. He furthermore argued that all forms of anti-Semitism are "alien to the Yugoslav, and notably Serb mind-set and people." Historical sources maintain otherwise.

When in 1806-1807 Belgrade was liberated from Turks many Jews were killed and vilified, and even outlawed. Majority of surviving Jews was killed in 1813 on the eve of the new Turkish conquest of Belgrade because of economic competition and plundering. Until the 1878 Berlin Congress Jews had reasons to regret the fact that they were no longer under the Turkish occupation, for the Empire was religiously tolerant.

Primitive milieu of the Dukedom of Serbia was hostile towards foreigners, including domestic Jews. In a series of discriminating actions the authorities as early as in 1845 banned Jews to settle in the interior. That is why about 2,000 Jews moved to Belgrade 1, although the nature of their professions and crafts linked them to villages/ hamlets and small towns.

During the reign of Duke Mihailo in 1860 the authorities issued a decree on banishment of 60 families from the interior of the dukedom, but under pressure of big powers repealed it. The British sources in the second half of the 19th century spoke about stringent measures taken against the Jews in Serbia.

1 Laslo Sekelj, Vreme 31 August 1992

A month after publication of a series of stridently anti-Jewish articles in paper "Svetovod," in 1865, in Sabac two Jews were killed, and in a local church a forcible conversion of a 11-year old Jewish girl was effected. Those events caused outrage and resistance of the Jewish community, whose prominent members wrote a series of protest letters. But publishing of those letters was banned by the government. In 1867, in a response to the appeal of Sabac Jews, the British MPs discussed the status of Jews in Serbia. They told the Belgrade government to comply with obligations stemming from the 1856 Paris Agreement, under which the big powers guaranteed autonomy of Serbia, if it "shows respect for full freedom of exercise of religion." But the British MPs assessed that "the Orthodox Serbs understood as freedom of religion only the exercise of religion by the majority people." Hence they demanded a permanent diplomatic pressure on Belgrade, in order to compel Serbia to comply with its international obligations. Despite that pressure and parliamentary interpellations in 1870, anti-Semitic laws from 1856 and 1861 remained in force. Because of those laws a large number of Jews left Serbia. From Sabac, Smederevo and Pozarevac Jews were expelled. Only three years later, in 1876, 11 Jewish families were driven out of Smederevo.

The Berlin Treaty set as a condition for independence of Serbia: repeal of anti-Semitic decrees from the 1869 Constitution. Only the 1888 Constitution provisions in full met with obligations of the Treaty. As a consequence the legal status of Jews was improved, but they still represented "an alien body" in society. They were sidelined in the social sphere until early 20th century, when 6 Jews became members of government.

According to the 1890 census 3,600 Jews (2,600 in Belgrade) lived in Serbia. In 1884 the *Serb-Jewish Association of Singers* was founded in 1884.

Period between the two wars and the WW2

In the territory of the newly-emerged Kingdom of Serbs, Croats and Slovenes there were several hundred Jewish communities, while in 1919 the Alliance of Religious Communities was set up. Those Jewish communities are still operational.

According to the 1939 census there were 71,000 Jews in the Kingdom of Yugoslavia and they were registered as members of the Jewish religious denomination. Before the outbreak of the WW1 many Jewish refugees from Germany, Austria and other Nazi-ruled countries found refuge in Yugoslavia. According to the data of the Federation of Jewish Communities in 1939-1941 period 55,000 emigrants came to Yugoslavia. And part of them shared the fate of domestic Jewish population.

Lazar Prokic writes that "among Serbs an autochthonous anti-Semitic movement emerged, which Jews, before 6 April 1941, sometimes by diplomatic and sometimes by forcible means repressed, as thanks to their financial might they were able to influence governments as much as they wanted. That anti-Semitism was not related to the German occupation. Jews were guilty of that original Serb anti-Semitism. Serbs do not want to feel solidarity for Jews, for the latter declined to show solidarity for the former in 1804, 1862 and 1875."

Anti-Semitism as the official policy of Kingdom of Yugoslavia

Yugoslav Foreign Secretary, Anton Korosec, stated in September 1938, that "Jewish issue did not exist in Yugoslavia.... Jewish refugees from the Nazi Germany are not welcome here." Three months later, the only Jewish member of government, Rabbi Isaac Alkalai was dismissed from the government at the express request of Prime Minister Milan Stojadinovic. The

peak of anti-Semitism, elevated to the level of the official policy of the Kingdom of Yugoslavia, were anti-Semitic acts of Cvetkovic-Macek government, enforced as of 5 October 1940. Decree on Registration of Persons of Jewish Descent introduced a *numerus clausus* of 0.5%, which meant that the number of Jews admitted to secondary school and universities could not be superior to their % share in total population. Under the second anti-Semitic law Jews were banned from performing certain professions (wholesale trade in foodstuffs), and under the third one they were excluded from some military branches, could not pass officers' exams and could not be promoted.

Anti-Semitism in the publishing activity

Prime movers of anti-Semitism between the two World Wars were publishers. *Protocols of the Zion Elders* were for the first time translated and published in 1929, in Split, under title *Real Basis or Protocols of Zion Elders*, signed M. Tomic. The next edition, titled, *Protocols of Assembly of Zion Elders* was published in 1934 in Belgrade by certain Patriciousus. The Public Prosecutor in March 1935 banned distribution of both editions. Despite the ban the second edition was published again in 1936. In 1933-40 more than 10 anti-Semitic brochures were published. On the eve of the war more than 10 anti-Semitic brochures came out and 6 as a response to anti-Semitic attacks. Ljotic's *Zbor* published most editions with anti-Semitic contents. Intense anti-Semitic campaign was conducted by newspapers like *Obnova*, *Novo Vreme*, *Srpski narod* and *Nasa Borba* 3, promoters of the Fascist ideology, several years before the Nazi invasion of Yugoslavia. Those papers urged retributive actions against Jews 4, vilified Jews as ancient enemies of Serbs 5, and stressed that "the final settlement of the Jewish issue" could be effected without Germany. *Zbor* published a brochure titled *Serb People in Claws of Jews*, penned

2 Lazar Prokic, "Our problems: Jews in Serbia," *Obnova*, 15 November 1941

3 Founder of *Nasa Borba* is Dimitrije Ljotic. The paper was modelled on *Mein Kampf*.

4 In line with principles of conspiracy theory.

5 *Obnova* and *Nasa Borba*

... by Milorad Mojic. He advocated "a swift and energetic liquidation of Jewry unless we want to witness destruction of the Christian civilisation." 6 In 1941-45 period 51 anti-Semitic brochure were published.

Zbor

A leading Yugoslav exponent of Nazi ideology, Dimitrije Ljotic, founded *Zbor*, a pan-Serbian, pro-Nazi and Fascist party in 1935. It was a small but very active organisation which published a large number of papers, books and brochures, including most extreme anti-Semitic literature. In Vojvodina, an ethnically mixed milieu, boasting a community of about 500,000 volksdeutchers, *Zbor* published newspapers in German language *Die Erwache* (Awakening), and in Serbian language, *Nas put*. Both publications instigated war against Jews. Association of Jewish Communities in 1936 filed a libel lawsuit against publisher of the paper, but the court dropped the charges.

Serb Orthodox Church

Patriarch (Petar Rosic) Varnava in 1937 showed "live interest in Hitler and his policy which serves the whole mankind." In May 1937 the SOC in its official publication indicated that "Jews are a force hiding behind the Free Masonry, Capitalism and Communism, the three biggest evils of the world."7

Jews, representatives of Free Masonry, Jews, representatives of capitalism, and Jews, representatives of proletariat revolution have all similar view on the world. They are just Jews and

nothing else...Therefore enemy is as sly as a snake and appears in several shapes. That is why it is dangerous."⁸

Anti-Masonic Exhibition

On 22 November 1941 a major anti-Masonic exhibition was opened. It was widely promoted by the media. Exhibition was funded by city authorities, at proposal of DJordje Peric, Head of Nedic's state propaganda, while its directors, Lazar Prokic and Lazar Kljucic, also members of the state propaganda department, were firebrands of *Zbor*. Representatives of German authorities attended the opening ceremony. According to first information exhibit was seen by 10,000 Serbs and General Nedic. The press hyped up the message of the exhibit: "Jews deserved their fate, for interests of the Jewish internationalists never coincided with those of Serbs."⁹ In early 1942 a series of stamps ...

6 Milorad Mojic, Secretary of *Zbor*, 1941, page 40

7 Foreign Review; "Patriarch Varnava urges fight against Communism," Gazette of the SOC Patriarchy, Belgrade, 1 and 2 February 1937.

8 Through the church press; Three spectres, Gazette of the SOC, 12 May 1937

9 Major anti-Masonic exhibit. *Obnova*, 27 November 1941

... promoted that exhibit.

World War 2

Serbia was the first area in Europe which according to proud German claims in summer 1942, was "Judenrein" (cleansed of Jews) Milan Nedic and his national salvation army¹⁰, Ljotic Movement members, gendermerie, and special police helped Germans and volksdeutchers effect that cleansing. ¹¹ But some Jews were killed by the Chetnik Movement of Draza Mihajlovic.

First repressive measures against Jews were implemented in Serbia and Banat: arrests, looting, harassment, passing of anti-Semitic decrees, forcible contributions, desecration and demolition of cemeteries, sinagogues and other Jewish institutions. On 19 April 1941 all Jews were ordered to wear a yellow armband and to register. Several hostages had been shot down before October 1941 when mass liquidations of Jews began.¹² Jews were taken to Toposka suma detention centre in Belgrade, and kept as hostages there. Imprisoned Jews (and Romany) were used to fill up quotas for the German policy of retaliation, that is, killing of 100 persons for one assassinated German soldier. By the end of 1941 most male Jews were shot down by *Vermacht* firing squads. In November 1941 German authorities ordered construction of a detention centre *Sajmiste* (*Fair grounds*) for remaining Jewish women and children. Over 5,000 Jews were transported to *Sajmiste* in December 1941 and in the following months most of them died of hunger and cold.

In the WW2 four fifths of Jews in Yugoslavia were killed. Among the survivors were those who had fled to the Italian-occupied territory, those who had joined the Partisan units, or had gone into hiding. Of 59 Jewish municipalities in the pre-war period, only 15 with small memberships resumed their activities after 1945.

¹⁰ Nedic's contribution to elimination of Jews was historically confirmed. Milan Nedic and his government of national salvation took on the task of "cleansing Serbia of Jews, renegades, and Gypsies." Nedic personally used anti-Semitic rhetoric to discredit partisans, whom he labelled "Criminal Jewish-Communist gang."

¹¹ According to historical sources even a military part of *Zbor* renowned as the Serbian Voluntary Guard acted as a reliable ally of Gestapo in elimination of Jews. They searched flats, kept in custody detained communists and Jews and fought against partisans.

12 On 27 July 1941 in retaliation for attempted torching of a German vehicle by a Jewish boy, 122 persons were shot down by firing squads.

The post-WW2 period

In the post-WW2 period new wave of assimilation of Jews began. 13 The number of Jews declaring themselves as members of that nation and participating in the work of Jewish communities dwindled.

Creation of the state of Israel created a new dilemma of the stay- or- emigrate kind for many Jews. Under a decree of the Yugoslav authorities Jews who opted for emigration were allowed to take with them only movable possessions, while they had to renounce their real estate to the benefit of the state. Property of big Jewish landowners and capitalists (owners of plants) was nationalised or impounded through agrarian reform. In 1948-1951 period about 9,000, almost half of survivors, emigrated.

In the pre-WW2 period Jews fostered their identity and traditions within the family fold. Membership of the Jewish community played a central role in their life too. Large communities had a synagogue, and rabbi, other priests and a teacher were involved in religious education classes imparted in synagogues and Jewish communities. In the post -WW2 period that role was taken on by municipalities, which also organised cultural activities. Jewish communities also kept in touch with Israel and international Jewish organisations.

Anti-Semitic incidents have gradually increased since 1967, after severance of diplomatic ties between the SFRY and Israel. But then they were only a marginal phenomenon 14, for the state decried them. "Anti-Israeli publications bore all the hallmarks of the Communist, political authoritarianism, but in a stark contrast to similar incidents Europe-wide, anti-Semitism was consciously avoided. Very small number of anti-Semitic texts and critical reactions to them, attests to the aforementioned. 15

In the Seventies anti-Semitic texts came out occasionally. Their linchpin was the book *Protocols of Zion Elders*. In 1971 a Titograd-based literary magazine *Ovjde* ran a text by Aleksandar Loncar which inter alia¹⁶ alleged a high documentary value of facts presented in the *Protocols of Zion Elders*. In a literary magazine *Delo*, Dragos Kalajic made a similar claim, that is, maintained that *Protocols* was an authentic, documentary source for making judgement about the character of the Jewish religion. 17 Milo Glavurtic paraphrased *Protocols* in his private edition *Satan* in 1978. Alliance of Jewish Communities filed a lawsuit against Glavurtic, but did not win the case. *Ilustrovana Politika* ran a feature of Mihailo Popovski *Secret World of Masonry* which included excerpts from *Protocol*. After several political interventions the magazine stopped running the feature. The book with the same title was published in 1984 by *Nova Knjiga*.

13 In that period the party membership and not national descent counted most. Religion was not an important factor. A larger number of war veterans were not demobilised after the war. Mixed marriages were commonplace.

14 Laslo Sekelj, *Vreme bescasca*, Belgrade, 1995

15 Idem, page 76

16 The same author wrote in the same text about "power of Jews" as a cause of "a sad fate of two major authors, Celine and Ezra Pound."

17 Dragos Kalajic, *Delo*, 1970, page 677

Despite the ban the Macedonian version came out in 1985, and in the late Eighties it again appeared in Belgrade bookstores.

Beginning of the SFRY disintegration

According to the data of the Jewish community of Belgrade, 177 Jews, mostly from Croatia, Bosnia and Herzegovina and Serbia emigrated since the beginning of the Yugoslav crisis. "The figures speak of a small-scale emigration," said Jasa Almuli, the then President of the Belgrade Jewish Community. 18 But according to the official data, 1,800 Jews left Yugoslavia, from 1991-1998. Those data can be considered controversial, unless one takes into account the fact that many Jews declared themselves as members of other ethnic nations. Hence it is difficult to establish the exact number of emigrants.

Jewish organisations in Croatia and Slovenia followed in the footsteps of their 'domicile' countries. Vice President of the Jewish Community in Croatia, Srdjan Matic, thus commented their move: "We obviously regret our breakaway move, but it was imposed by clashing realities in Yugoslavia...We are disappointed by conduct of national (Jewish) Federation in Belgrade...It has not condemned the bombing of Dubrovnik during which the old synagogue was also damaged. Furthermore it also declined to take part in the meeting of religious communities in Sarajevo several months ago, which compelled us to stay away from the meeting too"19 Matic also criticised the Jewish Federation in Belgrade for a mild response to a bomb-planting in downtown area and in the Jewish cemetery in Zagreb, on 19 August 1992.

David Albahari, writer and President of the Jewish Community in Belgrade, who tried to save the Jewish Federation, regrets the rift, but admits its inevitability: "Before the joint meeting in Sarajevo, Jewish communities in Slovenia and Croatia declared unilateral secession. We thought that it was done under the pressure of their governments." Albahari rejected allegations that the Belgrade seat of the Jewish Federation did not condemn the bombing of Dubrovnik synagogue. "Sinagogue was not shelled. One shell fell in its proximity, and several windows were broken. Under such circumstances one could easily condemn the Serb government, as our brothers in Croatia demanded."20.

In a bid to explain different stands of Jewish communities on developments in the former Yugoslavia and underscore manipulation of Jews by political actions, David Albahari says: "Initially Jewish communities reacted as they were told, by accepting incoming information at face-value. Despite our demands that the Jewish communities should stay away from the conflict, some moves were made without considering objective picture of developments. It took us almost a year to persuade them that our best ...

18 Almuli, Intervju, 7 February 1992

19 Vecernje Novosti, 19 April 1992

20 Idem

position as an organised grouping was to continue to sit on the fence, in political terms. 21

Jews in Serbia

3,000 strong Jewish community, composed mostly of Sephardic Jews lives in Serbia (first Sephardic Jews fled from the Spanish Inquisition and settled in the Ottoman Empire countries, including Serbia.)

The principal generator of anti-Semitism in Serbia is the new Serbian Right, made of so-called left-wing and right wing parties in the political scene of Serbia, parts of the Serbian Orthodox Church and intellectual elite, or all those who advocate the idea of the international conspiracy against Serbia and oppose the new world order. Misa Levi, President of the Jewish Community in Belgrade draws attention to escalating anti-Semitism and ties between Serbia and Russia, both on the state and church level. Added to that quite a number of public media and prominent public figures constantly espouses the thesis of existence of the unique Jewish opinion in the world, decisive influence of Jews on creation of the US policy, and anti-Serb stance of the

international Jewish institutions and renowned Jewish intellectuals. Publicist and analyst of religion Mirko Djordjevic says that the current wave of anti-Semitism is not caused by Jews: "It is a very belated historical response of certain circles to all things foreign and different."

Anti-Semitism Monitoring Commission of the FJCY, in qualifying anti-Semitism, often resorts to euphemisms: "it is a contained, low-level anti-Semitism. Hence we did not suggest special measures to the Executive Board of the FJCY, barring our complaints and protests in writing to certain religious and political factors." 23 The Jewish community stressed that it was always sensitive to equalisation of religion and nation, and even more so to identification between the majority nation and the state. The FJCY communique stresses: "It is not disputable that Jews in Serbia are under the law equal to other nations. But is it so in practice? Does this state, in every public discussion observe the fact that all its nationals are equal, irrespective of nationality, religion and other features of identity?"

At the same time ambivalent position on Jews is expressed through another extreme-equalisation of tragic fates of the two peoples.

For example, writer Vuk Draskovic, in 1985 described Serbs as Jews of the late Twentieth Century: "Each inch of Kosovo is Jerusalem for Serbs: there is no difference between suffering of Serbs and Jews. Serbs are the thirteenth lost and most unfortunate tribe of Israel." In the first years of war, Jews were not seen as opponents. On the contrary the authorities tried to win them over for the "Serb cause." Frequent were comparisons between "identical, tragic fates of Jews and Serbs as heavenly and innocent peoples, victims of genocide." In that period Serbian authorities were "inclined" to Jews-...

21 Borba, 8 December 1993

22 Radio B92, 20 February 2001

23 Jewish Review, Bulletin of Federation of the Jewish Communities of Yugoslavia (FJCY), January 2000

... the media ran information about their activities, texts and features on friendly relations between Serbs and Jews, and evenings of Jewish poetry were organised.24 Federation of Jewish Municipalities was promised that it would be given back one of the most beautiful synagogues in Serbia, the one in Nis (but that promise has never been fulfilled). At the same time the media increasingly reported on desecration of Jewish cemeteries in Serbia, notably in Zemun and Pancevo, 25 and decried those incidents.

"Filosemitism"

Society of the Serb-Jewish Friendship was registered on 21 November 1988, while the founding assembly was held on 4 March 1989. According to the proclamation the society was tasked with bringing together the two peoples, "frequently accused of being different."26 Soon the Society's branch office was set up in Kosovo, and later another thirty branch offices emerged Serbia-wide. Abortive attempts to set up such a society were registered even in the former Yugoslavia, during the one-party system. 27

Founding of the said Society, obviously tasked with abusing Jews for political purposes, was criticised and disapproved of by many Jewish intellectuals. Writer Filip David stated that at the founding meeting he notice "many wise heads, members of the Serbian Academy of Sciences, several prominent Serbian nationalists, and several elderly Jews, self-styled 'Serbs of Moses faith.' The idea of the founders was to help Serbia by enlisting our Jews to shore up support for the Serbian cause in the United States, through their, allegedly important connections. Early on I tried to say that the story about a conspiratorial world Jewish centre, dictating the entire world policy, was a sheer nonsense, and that the idea originated from the notorious *Protocols of Zion Elders*." David went on to note: "This type of association was nonsensical, for there was not need for Jews, as Serbian citizens, to set up the Society of the Serb-Jewish Friendship."28 Filip David realised that behind the project were indeed "nationalistic hot-heads" after his meeting with Ljubomir Tadic.

Namely David, after the founding meeting, in his letter to Tadic, requested a meeting with him and expressed his negative opinion of the very Society.

At the first convention of the Society, in May 1990, the SJSF Secretary Klara Mandic stated that "the Society must persist in making public the names of all Serbs, victims of genocide, for their names are absent from the genocide-related books. Another ...

24 Politika, 7 July 1991

25 Vecernje Novosti, 25 April 1991

26 Politika, 3 July 1990

27 Socialist Alliance of Working People of Yugoslavia was against formation of the said Society on the following grounds: "There is no need to establish any association resting on close national or nationalities ties, in the SFRY territory." Later Jews also opposed the existence of such a society, and maintained that it was legitimate to forge closer ties only between Serbia and Israel."

28 Interview with Filip David.

... important task of the society was "sending of pertinent publications to 15,000 influential people and politicians in Europe, America and Canada."²⁹ FJCY repeatedly protested against some communiques of the Society and distanced itself from the latter's actions.

But the leading Serbian politicians started emulating the society by propagating identical historical fate of Jews and Serbs, and preservation of friendly relations between the two peoples (according to the Society, Serbs stood more to gain from the latter). Author Brana Crncevic said that "only friendship with Jews can save Serbhood,"³⁰ while Enriko Josif argued that "Serbs and Jews are very old friends, and shall remain friends, for they have not betrayed the most glorious pillars of their history-Kosovo and Jerusalem." Dobrica Cosic stressed "the historical fate, which made Serbs and Jews very similar" and " Jews are European people from whom Serbs can learn most."

In 1991 Captain Dragan, later a leader of the Serb paramilitary units, wore the Star of David around his neck during a Studio B interview. At the same time members of the Serb-Jewish society, including the leading Serb nationalists, reiterated "Our fate is similar to the fate of Jews."

In 1993 the Federation of Jewish Communities set up an Anti-Semitism Monitoring Committee, and its President Aca Singer warned: "Whenever and wherever there are turmoils in the world Jews are affected by them."³¹ An ever-increasing number of anti-Semitic incidents were condemned by a narrow circle of liberal public figures, and also by the regime's satellites. The authorities tried to minimise the effects of anti-Semitic incidents by not responding to protests and complaints lodged by the Jewish Municipality of Belgrade and the Jewish Federation. But those incidents increased the fear or feeling of insecurity among the Jews and non-Serbs. On the other hand they were adroitly used by the authorities as a form of "soft ethnic-cleansing."

The world was outraged by wars in the territories of former Yugoslavia, and condemned actions of Bosnian Serbs. Those condemnations became increasingly sharp and both "domestic" and foreign Jews joined in the chorus of international protests. This placed domestic Jews in a very delicate position. Hence the following statement of Jasa Almulic: "anyone may exercise his democratic right to criticise the regime in place, but such criticism should be voiced as a purely personal opinion. Jewish community would appreciate very much if some individuals stopped using its name in political showdowns, and stopped making up stories about emigration." It was a response to objections of official Belgrade that Jews were siding with "the Serb enemies", namely criticism of international Jews who condemned aggression against Croatia and Bosnia and Herzegovina.

Anti-Semitic Incidents

There are no precise data on the kind and number of anti-Semitic incidents in Serbia. In the past decade many were glossed over by the authorities, and even the Jewish ...

29 Politika, 3 April 1992

30 Politika, 25 May 1990

31 Politika, 12 August 1994, page 13

... community. State bodies have by and large failed to react to protests and complaints of the Jewish Federation. Even when the latter sporadically reacted, 32, there was no follow-up, that is, criminal investigations were not launched.

Media-bashing

The Jewish Federation filed a lawsuit against statements made by President of the Serbian Royalist Movement, Sinisa Vucic, in a radio B92 program *Intervju dana*. It considered that his words ("we shall seize property of rich Jews and Communists to help alleviate the suffering of our people,") were tantamount to "instigation of religious and national hatred." Although hard evidence was submitted, namely the tape of interview, the Republican Public Prosecutor's office transferred the case to the District Public Prosecutor's Office (after repeated interventions of the Jewish Community), which, however failed to act on the case. That interview marked the start of a series of similar statements of Vucinic made to the most influential print media 33, ran under the following headlines: *Serbian Hawks Become Terrorists, We Threaten UNPROFOR, We Shall Seize Property of Rich Jews and Communists to Help our Long-Suffering People*. Jewish Community again reacted to Vucinic's hate speech on 27 May 1993 by inquiring about the course of investigation. After a new anti-Semitic statement of Vucinic on 13 June 1993, 34 the Federation on 24 August 1993 again inquired about the course of investigation by the District Public Prosecutor's Office. The Federation filed new charges after an anti-Semitic interview with Sinisa Vucinic was ran by magazine *Svet*.

In June 1994, the Prijepolje Bulletin of the Serbian Popular Renewal (a party closely affiliated with the Belgrade regime) ran a text headlined *The Jewish Ball of Vampires* (by-line was - Luka Sarkotic). In the text Jews were accused of crimes against the Holy Church of Christ, that is, the SOC and practising Christians, murder of God, the French Bourgeoisie Revolution, uprisings in Russia, the 1917 October Revolution, assassination of the two Russian Tzars, poisoning of Stalin, creation and implementation of the "Perestroika" project, destruction of the Soviet and Russian "empires", the Chernobyl nuclear plant catastrophe, future war between Kiev and Moscow (over Krimea), collusion and alliances with Muslims and Protestants, arming of "Green Berets" in B&H, causing the plague epidemics in the world, poisoning of wells, ritual slaughter of children, creation of Jasenovac concentration camp through the Croatian state leadership, and production of AIDS virus. The Jewish Federation immediately informed of the said publication Montenegrin President Momir Bulatovic, the SOC Patriarch Pavle, the Montenegrin Mitropolite Amfilohije, Backa Episcopo Irinej Bulovic, Federal Human Rights Minister, Margit Savovic and Federal Information Minister Slobodan Ignjatovic. Their response would later serve as a model for all future reactions to anti-Semitic incidents: protests were acknowledged, incidents were verbally condemned, but not a single concrete action against perpetrators was taken. The Serbian Popular Renewal then ...

32 In an indirect way, through statements of some influential, public figures

33 Borba, 13 May 1993

34 Svet, 13 June 1993

... issued a communique: "there is too much unnecessary buzz about the text. We are very surprised by reaction of the Federation of the Jewish Communities in Yugoslavia to a desperate cry of a Serbian patriot, abandoned by the whole world. We wonder how would the Jewish people react if all 48 Jewish Senators in the US Senate voted against the Serb people." But after condemnatory reactions of the liberal public strata in Serbia and Montenegro, Slavko Fustic, editor

of the Bulletin, wrote an apologetic letter because of "publishing a scandalous text, with a very low- quality contents." He moreover stated: "I would like to give to you and the entire Jewish people my assurances that we don't hate the Jewish people..."Independent media, who have followed the whole case, also reacted: journalist of weekly *Vreme* wondered about the prosecutor's real intentions, as the latter first had told the weekly's journalist that he was still undecided about his next investigating action, and then -went on holiday. Klara Mandic, secretary of the Society of Jewish-Serb Friendship, also protested against the text run by *Bulletin* in *Politika*. *Vreme* commented her protest in the following way: "the problem with the Jew-bashing pamphlet is that it was designed in the circles in which Mandic has an influential role."

New edition of Ljotic's paper *Nova Iskra* (October 1994), titled *U ime istine* carried a text penned by S. Hadzic Hilendarski in which prominent domestic and foreign public figures of Jewish descent were criticised for their stands on the Bosnian war, namely: Elie Wiesel, Madeleine Albright, Daniel Schieffer, Klara Mandic, Israel Kellman, Enriko Josif, David Albahari, George Soros, Simon Viesenthal, Cheslav Milos, Warren Zimmerman, Zbiegnev Brezhinski, Bernard Henri- Levy, Allen Finkelcraut, Henri Glucksman, Loraine Fabius, Slobodanka Gruden, Jasa Almuli, Predrag Finci, Ladoslav Kadelburg, David Kalef, etc.

In July 1994 *Glas Srpski* 35 carried an interview with Dr. Radmilo Marojevic, professor of Philological Faculty in Belgrade. In the interview headlined, *Cultural Treason is National Treason*, Marojevic pointed out that: "in the Serbian culture and science very active is the fifth column of the Judeo-Masonic Project." In another interview carried by the Belgrade magazine *Duga* under the headline *Dream about New Hazar Land*, Marojevic repeated his thesis about the Judeo-Masonic conspiracy in -Russia.

Serb Orthodox Church

A publicist and analyst of religion Mirko Djordjevic in a host of studies indicates that anti-Semitism is not related to Orthodox religion, but rather to ethnicfietism very influential among the SOC. Some SOC circles, notably those under the influence of Priest Nikolaj Velimirovic, joined in the anti-Semitic campaign. Velimirovic suddenly became a martyr. Mitropolit Montenegrin banned any kind of criticism or re-appraisal of work and ideas of Priest Nikolaj, although he has never been canonised.

"That legendary martyrdom is used for glossing over unpleasant pages of a repressed history-during the Nazi occupation some members of the SOC episcopate joined Nedic, and took strident anti-Semitic positions," writes Djordjevic. He adds: " Priest ...

[35 Glas srpski from Republika Srpska is distributed in Serbia too.](#)

... Nikolaj was close to Nedic and Ljotic, he did not oppose totalitarian political systems, but in fact favoured them. Therefore it is not clear how his body of work can be a treasure trove of spiritual inspiration and a veritable golden mine of spirituality and Orthodox faith, as Radovan Bigovic qualified it in his doctoral thesis (his mentor was Amfilohije Radovic.)"

Book of Priest Artemije *New Golden-Mouth*, published in Belgrade in 1986, is one of many books which glorified Priest Nikolaj: "he is the only Serb who can be considered an intellectual and spiritual peer of St. John the Golden-Mouth, hence his nickname-the Serbian Golden-Mouth. Mirko Djordjevic writes that "the Serbian contemporary historians failed to notice a conspicuous similarity between St. John the Golden Mouth and the Zica orator, Priest Nikolaj: namely St. John's body of work also contains 8 holimies "against Judea."

Logos 36, a magazine of students of Theological Faculty in Belgrade in 1994 ran a text *Jewish Games behind the International Stage*, penned by Predrag Milosevic and Boban Milenkovic. That text abounds in accusations against Jews, for example, " there is a planetary Jewish conspiracy against the Christian Orthodox faith, and notably against the Serb people and Russia," corroborated by citations from old documents of Priest Nikolaj Velimirovic related to his defence of *Protocols of Zion Elders.*" "All modern phenomena in Europe were masterminded by

Jews, who crucified Jesus, that is: democracy, strikes, socialism, atheism, tolerance of all denominations, universal revolution, capitalism and communism. They were all inventions of Jews, that is, of their father, the Devil." 37

In July 1994 magazine *Kruna* carried two texts headlined *How to Read Protocols of Zion Elders*, and *Book of Notions*. The first text praised the said book, while the second, vilified Jews, as people, through criticism of Mosa Pijade, the pre-war communist, Partisan, and member of the post-war establishment.

Publishing activities

Publishing activity played a major role in anti-Semitic campaign. Publishing companies, *Velvet* and *Ihtus-Hriscanske knjige* published several reprints of books of Dimitrije Ljotic, Milan Nedic, Priest Nikolaj Velimirovic, and some other books dealing with alleged Masonic-Jewish conspiracies. According to sociologist Laslo Sekelj, in 1990-95 12 different editions of *Protocols of Zion Elders* were published, and in 1995-2001 another-eight. 38 Vladimir Maksimovic, one of publishers of *Protocols of Zion Elders*, part of distribution of which was impounded in 1994, in defending himself from accusations of anti-Semitism, says that "the only problem with this book is the fact that the publishing activity was taken over by the Soros Foundation, whose founder is a Jew. The Federation of Jewish Communities of Yugoslavia on 22 March 1994 condemned publication of *Protocols of Zion Elders*, and filed charges against Publishing House

36 Logos, 1-4/1994

37 Priest Nikolaj Velimirovic in his documents written in defence of *Protocols of Zion Elders*.

38 NIN 2640, 2 August 2001, *Zabrana i krivica*, page 32

Velvet and responsible editor Vladimir Maksimovic. Three days later the FJCY got a letter from owner and director of the publishing house *Sfairos* in which he decried the appeal to ban publishing and distributing the book, and termed it "an undemocratic demand." He suggested to the Federation joint publishing of the book with "an expert commentary," and future collaboration involving publishing of works dedicated to study of literary, historical and linguistic heritage of the Jewish people and its identity." In response to accusations by the Jewish Federation, newspaper issued by the Serbian Radical Party, *Velika Srbija*, in May 1994, ran a text, "Who burns down books, shall burn down people too," along with a commentary "let readers, Serbs, assess what is true and what is false in *Protocols of Zion Elders*."

(Deputy District Prosecutor Milija Milovanovic in July 2001 dropped charges against publishers of *Protocol* due to "the lack of evidence for further legal proceedings.")

In December 1994 *Club of National Books Velvet* in its catalogue listed its new anti-Semitic books: *Protocols of Politart Seers or Counter-initiation* (Isidora Bjelica and Nebojsa Pajkic write about 'plagues' of modern society, including Judaism and advise how to fight against them); *Drama of Contemporary Mankind*, Dimitrije Ljotic, **-On the Semitic danger and breaking of the Serbian backbone in WW2;** *Jews in Serbia*, Dr. Lazar Prokic; *Why have Jews always been against Serbs? Who are they-an anti-Semitic guide*, Dr. Lazar Prokic; *Jewish Conspiracy*, Marcus Elie Ravadge; *Serb People in Claws of Jews*, Milorad Mojic; *The Jewish Issue*, F.M. Dostoevsky; *Under the Star of David-Judaism and Free Masonry in the Past and Present*, Georgije Pavolovic; *Religious and legal study of Talmud or an essay on Jewish honesty*, Vasa Pelagic. The aforementioned catalogue listed also other titles: *Jews in mirror of the Bible* by theologian Zivojin Savic; *Evil and Damned: Torturers of Contemporary Mankind*, translation of Charles Weismann book.

Valjevo-based *Glas crkve* in 1996 published a book *Selected Works of Priest Nikolaj in Ten Volumes*. Book VII- *Through a Prison Window* includes a series of negative commentaries on life, customs and role of Jews.

On 16 December in one of premises of the Philosophical Faculty in Belgrade an anti-Semitic pamphlet titled *A complete report-Jews and Jewry* was found. An unidentified person distributed it to students. Teaching council of the faculty in its communique, issued in the paper

Protest-Three Uprisings in 1996, qualified the pamphlet as anti-Semitic, and condemned its author and the like-minded intellectuals.

Publisher Ratibor DJurdjevic spearheaded the anti-Semitic campaign through reprints and new editions. Promotions of his books usually started with a blessing and prayer of retired priest and notorious anti-Semite Zarko Gavrilovic. Whenever he uttered the word "Jews," the audience booed. In the study *Syndrome of Fear of Judeans in America* DJurdjevic says that behind-the-scenes masters of the US policy intentionally nominate weak presidential candidates to control them easily. According to him "such candidates are aplenty, as the US public and private morals are weak and lax. A man of integrity and strong sense of morals, namely Pat Buchanan, a Christian and renowned anti-Semite, could not succeed in unprincipled US "democracy." 39 In the book *Zionism*,

Communism and the "New" World Order, DJurdjevic stated: "it is very important that Christians understand that Communism-that major ill of Western societies-was spawned by Jewish institutions and circles...it was guided, channelled and evolved by official Israeli secret councils." 40

After DJurdjevic's book *Lies and Shortcomings of US Democracy* came out (publisher was *Ihtus-Hriscanks knjiga, Beograd*), the Jewish Federation on 16 October sent a protest letter, describing the nature and contents of the book, to Information Minister Ratomir Vico, Human Rights Minister, Margit Savovic, Mayor of Belgrade, Nebojsa Covic, Minister Zoran Bingulac, Minister of Religions Dragan Dragojlovic, the SOC Patriarchate, Irinej Bulovic, members of the Society of Serb-Jewish Friendship, and the media. It moreover informed the Serbian Justice Minister that charges were filed against Publishing House *Ihtus* and its editor Zarko Gavrilovic. The media responded differently to the Jewish Federation's protest. Daily *Politika* on 18 October ran a text *Who Fuels Anti-Semitism* penned by Rade Rankovic, and later an interview with Aca Singer President of the Federation of Jewish Communities in Serbia (*Anti-Semitic Incidents Should Not Be Glossed Over*) about dire effects of anti-Semitism both on those who propagate it and those who close a blind eye to it. *Nasa Borba* on 18 October 1995 carried a text *State Bodies Keep Silent*, which focused on "non-reactions of the state bodies to anti-Semitic incidents."

Contrary to *Politika* and *Nasa Borba*, *Politika Ekspres* on 7 October 1995 ran a text *Conspiracy against Christianity* in which the author Visnja Vukotic quoted excerpts from *Lies and Shortcomings of US Democracy*, and backed all allegations and ideas contained therein. The same paper on 8 October carried a text headlined *A man who knew too much ends in a lunatic asylum*, full of quotations from the aforementioned book. On 23 October 1995 *Vecernje Novosti* carried an article by Dejan Lucic, *Who are instigators of hatred?* in which Lucic tried to justify positions espoused by DJurdjevic in *Lies and Shortcomings of US Democracy*. *Politika Ekspres* on 23 October 1995 ran a reaction of President of the Society of Serb-Jewish Friendship, Ljubomir Tadic, to DJurdjevic's book. Namely Tadic challenged and criticised some of positions disclosed in the book.

Holy Synod of SOC on 24 October 1995 informed the Jewish Federation that it "regrets publication of the anti-Semitic book" and "shall do its utmost to prevent publishing of similar books." Saint Sava Youth and Students' Movement followed suit by condemning activities of Ratibor DJurdjevic, one of its principal 'donors' and Zarko Gavrilovic, assessing them as "retirees who only acted as counsellors to the Movement" and stressing that "Anti-Semitism has always been contrary to the spirit of Saint Sava Movement." Despite the SOC condemnation of DJurdjevic's book and assurances that its circles did not disseminate anti-Semitism, in April 1997 the very book appeared in the ...

39 Dr. Ratibor DJurdjevic, *Five bloody revolutions of Jewish bankers and of their Judeo-Masonry*, Ihtus, Belgrade

40 Idem, page 196

... SOC's bookstore *Zadruga pravoslavnog svestenstva*. In its 11 April 1997 letter to the

SOC Patriarchy the Jewish Federation expressed its concern over appearance of DJurdjevic's book in the said bookstore. In their replies the official SOC spokesman and the Patriarchy Cabinet regretted the event, and informed that the bookstore's manage was instructed to immediately stop selling the book. .

At the promotion of the book *Kuril Manuscripts* by author *Hugo Karamata*, held in the Association of Writers of Serbia on 25 January 1996, DJurdjevic stated: "Judeans are the worst world evil...they bankroll all national and international Masonic activities and pull the strings of the world conspiracy." 41

In autumn 1996 DJurdjevic's new book, *On Absurdity of Anti-Semitism* (publisher was again *Ihtus-Hriscanska knjiga*) came out. Federation of the Jewish Communities on 30 October 1996 inquired with the District Prosecutor's Office about actions taken regarding its complaint of 16 December 1995, and simultaneously informed it that the same author published a new book. In its reply of 22 November 1996 the Public Prosecutor's office quoted all criminal proceedings taken against Sinisa Vucinic, Publishing House *Velvet* from Belgrade, editor Vladimir Maksimovic, and publishing house *Ihtus* and Zarko Gavrilovic.

In its letter of 28 November 2000 to the Holy Synod of the Serbian Orthodox Church, the Jewish Federation indicated growing anti-Semitism: "Among those who spread hate of Jews excels Dr. Ratibor Rajko DJurdjevic, founder of *Ihtus-Hriscanska knjiga* and author of the bulk of 50 books published by that house. Since his return from emigration in 1992 DJurdjevic launched an anti-Semitic campaign. He remained undeterred in his intentions even in the face of an express condemnation of his activities by the Holy Synod of SOC, of 24 October 1995. The very name of his publishing house (Ichtus-Christian Books) suggests his links to the Orthodox Christian faith and church. Moreover all the books bear the symbol of cross on the covers."

Reprint editions

In the Serbian Academy of Sciences bookstore in October 1995 the book *New World Order and Free Masonry* (reprint of the Belgrade edition from 1939) appeared. The book accused Jews of an anti-global conspiracy. On 27 November the Jewish Federation informed the District Public Prosecutor in Belgrade of the aforementioned.

Reprint of the 1943 anti-Semitic book *Under the Star of David and Free Masonry in the Past and Present* by Georgije Pavlovic came out in 1995. Author of introduction was Dimitrije Ljotic, and publishers were *Koloseum Beograd*, *Velvet Beograd*, *Sloga Novo Sarajevo* and *Slobodna knjiga Beograd*. In 1995 *Planeta Beograd* published a reprint of anti-Semitic book *Jews and the Serbian Issue* by Jasa Tomic. Some recent reprints with markedly anti-Semitic contents had been published first during the Nazi occupation: *Serbian People in Claws of Jews* by Milorad Mojc, Secretary General of pre-war "Zbor," *Legal and Religious Teachings about Talmud or an Essay on Jewish Honesty* by Vasa Pelagic. Reprint of Pro-Ljotic paper *Nova iskra* was also published.

41 Documentation of the Jewish Federation

Patriotic Movement "Obraz"

The far-right organisation, Patriotic Movement "Obraz", founded in 1993 to back and disseminate ideas espoused by the name-sake magazine, in late 2000 and early 2001 became very active and evolved into a political organisation. Graffiti with symbols of this organisation, cross, alpha and beta, with slogans "Only unity can save Serbs," "Let's fight with dignity for Serbhood," "Let's defend our dignity," are drawn on many private and public buildings.

Public at large first learnt about existence of that organisation after the incident at the Assembly of Association of Writers of Serbia, in November 2000. Namely then a group of writers clashed with management, demanded its dismissal and establishment of new, democratic, relations within the association. 42 Security agents, members of "Obraz" reportedly removed the 'disobedient' from the conference hall.

"Obraz" is not registered as a political party for its followers "don't believe in pluralism of interest of the Serbian people, but they believe in their ability to gather together and to accept a unique set of values and fate for all Serbs." They also think that "no Serb victim was useless, as our existence proves...We are Serbs of these evil times." They are convinced that efforts of "Obraz" and all other honourable Serb contemporaries shall be a lasting mainstay for future generations of Serbs who "shall fully complete the oath." "Let us make concerted efforts to more successfully and easily, with God's assistance, attain our patriotic goals and carry out our statehood-making tasks," is the principal message of the movement. Web-site of "Obraz" is rife with texts denying democratic achievements, espousing a strident anti-Americanism, and glorifying Serbhood. After the NATO intervention, the following communique was placed on the web-site: "During the last war waged by NATO Satanists against the Serb people from 24 March to 10 June 1999, "Obraz" was the only organisation which indicated "black magic, and occult nature of that war." During the bombardment "Obraz" issued two communiqués, "Why are Serbs Invincible?" and "NATO-Satanism in the Name of Democracy," which the media refused to run. 43 Nebojsa Krstic, President of "Obraz" maintained that "the Serb people are most threatened now,"⁴⁴ and urged a national state, a society of sound Serbs, an economically rich and strong Serbia, instead of a state of citizens and an open society." Wording of texts indicates that at work is a Neo-Ljotic group, whose size cannot be easily estimated. "Obraz" stated that it had stepped up its activities in late 2000 for "then the time was ripe for advent of Serbian nationalism. Then the Serb people were most threatened." The following statement coincided with the political changeover in Serbia: "We are nationalists, and not fascists. Our slogan is: Loyal to God and to Serb people." When asked if he backed Ljotic's policy, Krstic responded: "We appreciate and love all Serb nationalists, Priest Nikolaj Velimirovic, and Serb martyrs Draza Mihajlovic, Milan Nedic, and Dimitrije Ljotic. We fight against everything ...

42 Republika, 16-31 December 2000

43 Knjizevne novine, "Obraz", 28 November 2000

44 Glas javnosti, 12 February 2002 "Nationalists, and not Chauvinists"

... that separates us from the Serb tradition, that is, against globalisation, atheism, secularism and abuses of human rights and liberties." He added that the organisation was several thousand strong, and that branch offices were set up in Vrsac, Odzaci, Novi Sad, Jagodina, Velika Plana, and in America, Canada, and Europe." According to Krstic the organisation has about 30.000 members. According to some sources active, but secret followers of "Obraz" are Dragos Kalajic and Dragoslav Bokan,⁴⁵ former contributors to magazine "Nasa ideja," and magazine *Duga*.

March 2001 incident is linked to "Obraz." Graffiti "Korac-Jewish Conspiracy-"Otpor" and "Kostunica-DJindjic Cheated Us," were painted on the building of the Faculty of Philosophy in Belgrade. According to Korac, Vice Prime Minister of Serbia, and the faculty's professor, those scandalous messages "are very similar to ones placed on the "Obraz" web-site." Students of the faculty confirmed that "Obraz" was behind the incident. Police did not issue any communique, but the media reported that several policemen visited the building. 46 Ratibor Trivunac, member of the Students' Union of Faculty of Philosophy, stated: "We are no longer a spawning ground of liberal ideas, but rather the one of conservative and fascist ideas." He added: "Majority of our students believe that a group of History Department students and professors, who even at lectures propagate far-right, nationalistic ideas, are behind the graffiti incident." Trivunac also said that majority of students saw the similarity between the graffiti messages and the web-site ones."

Electronic media

TV Palma and its owner Miki Vujovic, aired a large number of political programs focusing on the international Judeo-Masonic conspiracy. This largely contributed to spreading of anti-Semitism in early months of 2001.

Jews were accused of being "murderers and criminals," "the biggest evil of the world history," and "instigators of all failures of modern history, starting from the October Revolution, WW1 and WW2, to bombardment of Yugoslavia. According to *TV Palma* Jews should apologise for actions taken by US Administration against Yugoslavia. Many guests and Vujovic himself frequently mentioned "Jewish conspiracy" against Serbs or entire mankind, negative character traits and mind-set of Jews, and their hate of Serbs. Such messages were intended for Jews living abroad, notably in the US. 'Domestic' Jews were criticised for not having persuaded their fellow-nationals to change their stance on Serbs, for not having done anything to eliminate negative image of Serbs. Unfortunately other TVs also disseminated similar, Jew-bashing propaganda. Similar messages were voiced on other channels, notably Radio Television Serbia, which occasionally re-broadcast the old, wartime, programs about the international, and Jewish world conspiracy against Serbs.

45 Interview with Helsinki Committee

46 "Borba", "Obraz" Manipulated by Remote Control, 20 March 2001

47 "Politika", "Obraz" Fights 'Enemies of Serbhood', 22 March 2001

In a program of Radio Yugoslav Airlines on 17 May 2000 Dejan Lucic accused Jews of having staged a military and state coup on 27 March 1941, when the Trilateral Pact was rejected, and later a military uprising in Montenegro. Lucic also held them accountable for attacks on Belgrade and attempts to revive civil war. According to Lucic "they are assisted in their endeavours by the British and US intelligence services." He divided Jews into "two subversive groups, Jews and Khazars...they are quite similar, but still different: Jews shall do their utmost to help Israel, and Khazars to amass -money."

Graffiti

Anti-Semitic slogan *Death to Jews* with Nazi swastikas was drawn twice on the central building of Belgrade University in September 1995. The same slogan was written on the wall of the hall of the Jewish Municipality building in Belgrade on 22 October 1995.

On 27 October 1995 the Jewish Community sent a memo on incident to the Stari Grad police and requested it to launch a pertinent investigation. Three days later, on 30 October a police patrol scouted the building, and later slogans were removed.

On 24 October 1995 the Assembly of Belgrade sharply condemned the graffiti on the building of the Philological Faculty. Only after repeated interventions of the Jewish Federation, the Republican Public Prosecutor on 19 December 1995 informed the Federation that the graffiti case would be handled by the District Public Prosecutor in Belgrade.

On the fence of the Jewish Cemetery on 21 and 22 January three graffiti appeared: *Out with Masonic-Jewish Serb-Haters, We don't want the Dayton Pax Judaica. Jews, You are a Minority in Serbia.* The Jewish Federation on 25 January informed Slobodan Pavlovic, Vice President of the Belgrade Assembly and the police of the incident and asked them to intervene. It also filed charges against unknown perpetrators on 16 February 1996.

Graffiti *Death to Filthy Jews, Skinheads, White Power, the Racist Movement of Belgrade,* crosses and slogan *Serbia to Serbs* were drawn in the hall of the building housing the Jewish Federation, the Jewish Community of Belgrade and the Jewish Historical Museum on 11 February 1997.

On 26 September 1996 leaflets with the skull and slogan "Jewish lethal vaccine kills Muslim children" were distributed in Novi Pazar. In the text parents were told to boycott vaccine against children's paralysis...."for it aims to impair health of Muslim children..."

On two occasions, in December 2000 and January 2001 Nazi swastikas and anti-Semitic slogans in English, notably "Jews Hate Your Freedom of Speech," were drawn on all Jewish institutions in Belgrade, the synagogue, Jewish cemetery, the Jewish Municipality building.

Desecration of monuments and religious institutions

Plaque with inscription was removed from the monument "Menorah in Flames" by Nandor Glid in the 15th -21st May week . Glid's monument in Belgrade has been on repeated occasions the target of vandals (several days after wreaths had been laid on the monument in 1999 they were torn and thrown around). Police never found perpetrators of that vandal act, nor the ones who drew graffiti on Jewish institutions and cemetery and threw Molotov cocktails into the yard of synagogues in Belgrade and Novi Sad.

In recent years synagogues have been frequently targeted by anti-Semites. The Zemun synagogue, a protected municipal institution, was converted into a restaurant by the Radical Party-led municipal authorities in the face of the city authorities ban and protests of the Jewish Community. The then President of the Municipal Assembly and the Radical Party leader Vojislav Seselj and director of the Business Space Tomislav Nikolic met with the Federation's delegation on 7 March 1997 and promised not to lease that institution. Just a months later, on 30 March, the synagogue was leased and converted into a restaurant.

"That synagogue is very important for us, but we did not want to hype up the case and make a too vocal demand," said Aca Singer. He added: "It is very important for Jews as in that synagogue Rabbi Alkalai was the first to mention the return of Jews to their Holy Land. He had done it before Theodore Herzl, who is considered the founder of a modern Zionist Movement." Singer then went on to explain the long history of the embattled Zemun synagogue: "Until 1962 the Jewish Community was compelled to lease the synagogue due to lack of upkeep funds and an ever-dwindling number of Jews. After that the synagogue was forcibly sold to the then authorities for a negligible amount of money. The money we got from the lease was given to socially vulnerable categories of Jews. We had a deal with the previous Socialist authorities. Namely the synagogue was to be used for cultural purposes only. But when the Radical Party took the municipal reins in 1997 the deal fell through. That synagogue had been built in 1850 on foundations of the old, Eightieth Century synagogue, which was badly ruined after the WW2. It bears stressing that it has served many purposes, but was never used as restaurant. It is very important institution for us, because it was saved by miracle from destructive hands of Ustashi in the WW2."

Subotica synagogue met with a different fate. Story about Subotica Jews is a specific one, and it marked Subotica history from the mid 18th century. Before the opening of central synagogue rites were officiated in the Sremska street synagogue. But when the Subotica Jews became economically strong 48 they decided to erect "the temple of temples." New synagogue had a tent-like dome. It was possessed of a unique beauty in terms of design and construction. "It is owned by the city and under the World Heritage Fund document it is protected as one of the 100 key world synagogues." 49 In Mid-Eighties theatre director Ljubisa Ristic 50 came to work in Subotica in order to "shake up a sleepy milieu." In late Eighties Ristic staged big spectacles with his numerous ensemble in the synagogue. In a play a horse and a horseman both peed in the synagogue. Restored ...

48 30 Jews counted among 184 richest residents of Subotica in early 20th century.

49 Jozef Kasa, Mayor of Subotica

50 In Milosevic era Ristic was one of the most influential leaders of the AYL, the SPS coalition partner.

... dome was also again badly impaired by fumes from stoves, while the lawn around the synagogue was trampled upon by buses ferrying spectators to performances.

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Although the Jewish Community in Serbia is very small, anti-Semitism tenaciously persists as a part of a specific social phenomenology. Under the current circumstances it relies on ideological roots of the Serbian conservative, right-wing factions (Priest Nikolaj Velimirovic, Dimitrije Ljotic) and feeds itself on social and economic frustration stemming from a defeated Greater Serbia idea. Anti-Semitism in Serbia also draws on belief that the influential, international Jewish community, notably (its prominent representatives Madeleine Albright, Richard Holbrooke, Wesley Clark and Robert Gelbrand) has contributed to misfortune of Serbs, notably after the NATO air strikes. In parallel many intellectuals espoused the idea of identical fates of Serbs and Jews in the past decade. Within the context of the syndrome of victim, cherished in Serbia, Serbs are equalised with Jews (Vuk Draskovic: Kosovo is our Jerusalem). One should take into consideration that ambivalent position on the Jewish ethnic community in any future (and necessary) public debate on Anti-Semitism.

Annex II ***Albanians on the territory of ex-SFRY***

ALBANIANS IN KOSOVO

Kosovar Albanians on the Albanian National Issue

The three leading political parties in Kosovo have an identical stand on the Albanian national issue. Currently it is the most "problematic" open national issue in Southern Balkans. Albanians inhabit a compact territory embracing eastern parts of Montenegro, Southern Serbia, Kosovo and Western Macedonia. After the SFRY disintegration, they found themselves divided, against their will, in the two states, the FRY and Macedonia. However some prominent figures in Kosovo think that the Albanian issue has become a sticking point even before the SFRY disintegration. Current developments in Kosovo, Southern Serbia and Macedonia are only reflections of policy of subjugation of Albanians throughout the Twentieth Century, and in the former SFRY notably after the 1981 events. Such Milosevic regime strategy along with use of brute force hindered any political settlement of the Albanian national issue. Armed conflicts first in Kosovo, and then in the territory of Serbia, and recently in Macedonia resulted from long-standing frustrations and impossibility of Albanians to politically resolve key problems of their national community.

Political parties in Kosovo mostly espouse the thesis that the Albanian national issue cannot be resolved globally. General framework of solution thereof is a regional co-operation, but only after the FRY disintegration. The first step in that direction would be definition of the status of Kosovo as an internationally recognised independent entity. Independent Kosovo would satisfy demands of the majority of Albanian population in the region, and consequently downscale the support

rendered by some extreme Kosovo groups to armed Albanians in Southern Serbia and Macedonia. After that Serbia, Montenegro and Macedonia would, in line with the generally recognised European and world standards, constitutionally and legally define the status of the Albanian national community in their territories. The last step in overall and final settlement of the Albanian national issue would be integration of democratic states of Serbia, Montenegro, Kosovo and Macedonia into Europe without borders whereby "the artificial" barriers dividing the Albanian national community in the region would be finally eliminated.

Albanian-Serb relations in Kosovo

Even after establishment of the international protectorate over Kosovo, Serbs and Albanians continued to live in parallel realities. That fact prevented acceptance of a unique reality which would have been accepted by Albanians, Serbs, ethnic minorities and representatives of the international community in Kosovo. During Milosevic regime Kosovo Serbs were sent message from Belgrade about the return of the army and police to the province. Strategy of most political representatives of Kosovo Serbs, who were then considered the opposition, was to discredit the international community's mission in Kosovo and portray it as a failure by refusing to co-operate with its representatives. Unfortunately this policy was to a large extent counter-productive, and mostly affected the remaining members of the Serb community in Kosovo. Because of such policy Kosovo Serbs insisted on looking for solution in Serbia and on establishing closer ties between Serbia and Kosovo. They avoided integration into the existing structures and co-operation with Albanians and the international community as key factors in Kosovo. Some leaders of Kosovo Serbs think that Serb-Albanian cohabitation is impossible, and that only a multi-ethnic Kosovo in which Serbs and Albanians live next to each other is feasible. Insistence of Albanians and the international community on integration of Serbs into the Kosovo society, Kosovo Serbs see as insistence on their integration into the Albanian state. Within the context of the Albanian strategy "less Serbs in Kosovo, better chances to make an Albanian state in Kosovo" delayed return of the Serb refugees is assessed as a logical prerequisite for realisation of independent, Albanian Kosovo.

On the other hand the Albanian community so far stiffly resisted assumption of responsibility, if not political than of the moral one, for the current predicament of Serbs and other minorities in Kosovo. It is certain that the lack of adequate institutions relieves of any responsibility leaders of Kosovar Albanians for the current status of minorities in Kosovo. On the other hand the fact that Albanians, once the persecuted minority have now become the majority almost indifferent towards problems of other minorities in Kosovo, most surely does not denote their readiness, barring the vocal one, to embark upon building a multi-ethnic, democratic Kosovo. Political parties of Kosovar Albanians justify such stance on the Serbian community by fear of the entire Albanian population of closer links between Kosovo and Serbia and the FRY. Albanians see Kosovar Serbs as instruments of the Belgrade authorities for prevention of independence of Kosovo. Hence possible return of a large part of Serb refugees, much-insisted upon by the republican, federal authorities and Kosovar Serb leaders, is perceived as a threat. As regards Kosovar Serbs, victims of violence, the Albanian political parties think that there are no elements indicating an orchestrated campaign, whereby they don't exclude provocations against the international community and Albanians, as such provocative acts would favour political centres outside Kosovo.

What additionally radicalises Albanian-Serb relations in Kosovo is the problem of Northern Kosovo, that is, of Kosovska Mitrovica. Majority of Albanians think that Serbia is "involved" in that case, and that by creation of parallel institutions it strives to effect the secession of that part of the Kosovo territory. On the other hand Kosovar Serbs think that regionalisation and institutional links with Serbia constitute the only deterrent of further Serb exodus from Kosovo. The position of Kosovar Serbs is the following: if claims to independence of Kosovar Albanians are considered legitimate, then Serbian claims to closer institutional ties between Northern Kosovo and Serbia are to be also considered legitimate.

Kosovo and conflicts in Southern Serbia and Macedonia

Currently much-discussed is both the support to and criticism of the LAPMB and NLA armed formations in Southern Serbia and Macedonia by leaders of Kosovar Albanians. Representatives

of the current authorities of the FRY, Serbia and Macedonia treat the armed conflicts in the region almost exclusively as a spill-over of violence from Kosovo, and as part of the Greater Kosovo/Albania project. Adviser to the Yugoslav President, Predrag Simic, maintains: "now the time has come to label the Greater Albania nationalists in Kosovo as the greatest Balkans and inter-regional threat." Such a strategy aims at delegating total responsibility for destabilisation of Southern Balkans on Kosovo and Kosovar Albanians and partly on the international community for its impotence to contain "upsurge of Albanian terrorism." Vice Prime Minister of Serbia and President of the federal and republican Co-ordinating Committee for Southern Serbia Nebojsa Covic told NIN of 8 March 2001 that Albanians in Kosovo made up about 60% of members of armed formations in Southern Serbia. He went on to note: "They are those who after losing the local elections in Kosovo, now think that they can solve the entire problem and moreover spread it in the whole region by conflicts and wars...they are probably obsessed by the Greater Albania idea." The current situation is presented in the media as a consequence of Albanian population efforts to seize the historical opportunity for realising the concept "all Albanians in one state." At the meeting of Defence Secretaries of South East Europe Countries held on 5 April 2001 in Skoplje, Macedonian President Boris Trajkovski stated: "unstable situation in Kosovo results in export of terrorism...to the Macedonian state" and "if the international community does not solve the Kosovo crisis, if there is no final and resolute blow, the militant extremism shall continue and the Balkans shall face for a long time to come a destabilising factor of Kosovo." It seems that the international community has partly accepted the aforementioned thesis. George Robertson, the NATO Secretary General, during his 3 April visit to Skoplje announced that the Albanian terrorists in Kosovo would be de-commissioned. According to him this would help stabilise situation in Macedonia and spill-over of terrorism shall be prevented by closure of illegal passes between Macedonia and Skoplje. A joint statement of ministers of nine South East Europe countries and high-ranking NATO, OSCE, EU and the US officials, makes it clear that by joint and organised curbing of the Albanian terrorism prerequisites for inclusion of the Balkan countries into the European integration process are created.

Contrary to the aforementioned official stands of the FRY, Macedonia and partly of the international community, Albanian leaders in Kosovo think that the main cause of the crisis in Southern Serbia and in Macedonia is policy of repression and discrimination against the local Albanians. Therefore they think that laying the blame for the current crisis on the Kosovo political leaders and even on the international community is -unfounded. Long-standing frustration due to failed settlement of problems of Albanian communities in Serbia and Macedonia by political means, resulted in their resorting to armed conflicts as the only possible way for kick-starting resolution of status of Albanians. Leading political parties of Kosovar Albanians deem legitimate demands of their fellow-nationals in Southern Serbia and Macedonia. But they also made clear their opposition to the use of force and favouring of the political ways of settlement of that problem. Appeal of the Western leaders to the political parties of Kosovar Albanians to condemn violence in Southern Serbia and Macedonia was successful, for they explicitly distanced themselves from the LAPMB and NLA armed formations.

Some parties don't deny the support of certain extremist groups in Kosovo to Albanians in Southern Serbia and Macedonia, but at the same time say that absence of adequate institutions and anti-crime mechanisms are responsible for their emergence. Having in mind the Kosovo print media coverage, it is manifest that no-one disclaims that some extreme structure of former KLA, and parts of KZK render some support to armed formations of Albanians in Southern Serbia and Macedonia. Thus Zeri of 5 April 2001 reports on demand of George Robertson that the KZK stays away from conflicts in Southern Serbia and Macedonia. Koha Ditore of 9 March 2001 in the text headlined "Who are active and passive players in Tanusevac?" goes even further by implying that the involvement of Ramush Haradinaj, the AAK leader in Tanusevac developments is very likely.

Greater Kosovo/Albania

Thesis about Albanian ambition to create Greater Kosovo/Albania were launched from Serbia with the goal of preservation Serbia's own aspirations to Montenegro and Kosovo. Current crisis in Southern Serbia and Macedonia, and unfounded thesis about spill-over of conflicts into Montenegro are used as a ploy to persuade the international community that any further disintegration of the Balkans would lead to its destabilisation. In view of an unlikely repeat of Serbian and Macedonian scenarios in Montenegro, in the early March the Serbian print media, in a bid to depict Albanians as key destabilising factor in the Balkans, ran a series of articles on

emergence of armed Albanian groups in Montenegro and maps of Greater Kosovo/Albania encompassing eastern parts of Montenegro, Southern Serbia, Kosovo, Western Macedonia and Albania. Professor Dr. Slavenko Terzic, Director of the Historical Institute of the Serbian Academy of Arts and Sciences, in his interview to weekly Svedok of 3 April 2001, states that "the Albanian mafia, after a peaceful phase of creation of Greater Albania by ethnic cleansing of Serbs from Kosovo and Metohija in the SFRY period, entered a new stage, backed by the US and NATO, the one of uprising and armed struggle which is now spreading to Vranje basin, Western part of Macedonia and in a foreseeable future possibly to Montenegro and perhaps even Greek Epiryssa". The message thus sent, notably to the international community is very obvious - independent Kosovo and independent Montenegro shall only additionally encourage Albanian extremists to openly embark upon implementation of project of Greater Albania/Kosovo. Final outcome of this scenario is a large-scale conflict in the Balkans.

As regards political parties of Albanians in Kosovo, they openly voice their opposition to any further change of borders of Kosovo, Macedonia and Serbia. They urge respect of territorial integrity and sovereignty of Serbia and Macedonia and oppose any territorial autonomy of Albanians in Serbia and federalisation of Macedonia. Their joint stand is that the thesis about Greater Albania/Kosovo was launched by an anti-Albanian lobby in a bid to discredit Albanians and influence the final status of Kosovo. Having in mind how sharply condemned were radical factions of Albanians in Southern Serbia, Macedonia and their possible accomplices in Kosovo by the international community, it is hard to believe that any relevant political factor in Kosovo would today back the idea of creation of a Greater Albania/Kosovo project.

Status of Kosovo

Political leaders of Kosovar Albanians insist on application of identical principles to all former members of the Yugoslav federation, that is republics and provinces. In the same context they don't understand why the international community is against independent Kosovo, as a final definition of status of that area.

Independent Kosovo is a key precondition for stabilisation of the South East Balkans. Resolution of status of Kosovo would finally dispel illusions about successful realisation of Greater Serbia/Greater Albania project. Independent Kosovo would make possible integration of all minorities into the Kosovo society and open the way for essential settlement of status of national minorities, the latter being one of key problems in Kosovo. Creation of state institutions would contribute largely to assumption of responsibility of political parties of Kosovar Albanians, and also of all citizens of Kosovo in their bid to create a democratic, multi-ethnic Kosovo.

Kosovar Albanians see themselves as hostages to the current situation in Kosovo. It is very likely that their genuine discontent caused by unwillingness of international community to accept some of real causes of instability in the Balkans and solve them, can lead in a foreseeable future to radicalisation of situation in Kosovo and elsewhere. But process of independence-gaining cannot be stopped, notably in view of the fact that all relevant political factors in Kosovo see secession of Kosovo from Serbia and the FRY as a basic prerequisite for stabilisation of the region.

Thus preservation of status quo, considered by the international community as the only response to the current situation, is in fact only prolongation of agony of Kosovo and the Southern Balkans in general. In an "undefined" context, in which Albanians see Kosovar Serbs as a threat to realisation of independent Kosovo and in which Kosovar Serbs, relying on the Belgrade authorities, look for solution of their real problems in Serbia, and not in Kosovo, it is difficult to expect creation of mood of ethnic-tolerance and consequently the one of adequate security.

Belgrade, May 2001.

ALBANIANS IN MACEDONIA

Introduction

The fact that Macedonia has been spared the kind of conflict that ravaged Croatia, Bosnia-Herzegovina and Kosovo has helped to create an illusion of a stable democratic state characterized by ethnic tolerance. The participation of Albanian national parties in the country's coalition governments and in its public life in general has led many to believe erroneously that the Albanian national community is fully integrated in all the segments of society.

Such an approach on the part of Macedonian political parties and the public in general, as well as on the part of a large segment of the international community, is a chief obstacle to a realistic appraisal of the current problems regarding the status and situation of the Albanian national minority.

The problems confronting Macedonia in the early years of its independence had a large bearing on the crisis of Macedonian national identity. In order to be able to deal with foreign policy problems, above all with territorial claims but also with the negation of a distinct Macedonian nation, Macedonians concentrated their efforts on building a nation state from within. The inevitable outcome of this policy was exclusivity and the division of society along ethnic lines.

Albanian political parties insist that the history of Macedonia is one of the domination by the Macedonian national community of the Macedonian Albanians. This domination has resulted in the total marginalization and ghettoization of the Albanian community in Macedonia. Nearly 95 per cent Albanians are more loyal to their own ethnic group than to the Macedonian state. Their attitude is quite understandable because that state has not only failed to recognize their identity but has also conducted a policy of repression against them.

In spite of the efforts of the Macedonian authorities and of many Western leaders to project Macedonia as a successful multi-ethnic state that was in no danger of destabilization, a number of Macedonian Albanian leaders have long been hinting out the possibility of serious clashes. The failure of political 'negotiations' between Albanian and Macedonian parties over the past ten years regarding crucial issues for the Albanian national community has led to a general deterioration of the situation and a radicalization of both communities.

The Causes of the Crisis

At the beginning of January, the authorities of the Federal Republic of Yugoslavia (FRY) and Serbia, as well as the Army of Yugoslavia (VJ), made the allegation that members of the Liberation Army of Presevo, Medveda and Bujanovac (UCPMB) were being trained in camps situated in western Macedonia. The Macedonian Ministry of Internal Affairs strongly denied these allegations, dismissing them as the 'fruit of political games orchestrated by certain old-time generals still in the Yugoslav army'. However, soon after sporadic fighting broke out in January, the Macedonian authorities themselves adopted the favourite Serb phrase 'violence spillover' in their search for the main source of the crisis outside the boundaries of the Macedonian state. On 1 February 2001, *Ekspres* published the statement of DJordi Trendafilov, the spokesman for the Macedonian Ministry of Defence, that Macedonia had dispatched to the Yugoslav border extra forces to prevent any spillover to its territory of Albanian terrorism from southern Serbia and Kosovo. After the 17 February 2001 attack on Macedonian border guards in the village of Tanusevci, Pavle Trajanov, leader of the Democratic Alliance and former minister of internal affairs, said that the paramilitary formations in Macedonia, established years ago, were in constant touch with extremist groups in Kosovo and southern Serbia and that their main object was to spread terrorist operations in Macedonia.

Macedonian political parties believe that the Albanians are pressing for redefining their status as a constituent people in order to federalize Macedonia preparatory to secession in favour of a Greater Albania.

The Albanian community in Macedonia is not unanimous as to the causes of the current crisis. On the one hand, Albanian political leaders blame everything on the Macedonian state. The Macedonian government's response to their demands during the past ten years has resulted in growing discontent and even a radicalization of a segment of the Albanian population. In the view of Albanian political parties, the Constitution and its Preamble are the most problematic because they make it possible to abuse and violate the rights of members of the Albanian national community. On the other hand, some Albanian intellectual circles are inclined to attach much of the blame to the inappropriate policy of the Albanian national parties which put economic profit before the struggle for the interests of the Albanian national community.

The Influence of External Factors on the Crisis

Macedonian officials insist that Kosovo is the principal source of destabilization in the region including Macedonia. Macedonian President Boris Trajkovski told the ministerial meeting in Skopje on 5 April 2001 that the crisis in Macedonia had been imported from Kosovo and that any attempt to stabilize the Balkans would end in failure unless the international community cut away the roots of crisis in Kosovo itself. There are also views that the outbreak of fighting was partly to blame on the signing of the border agreement between the FRY and Macedonia.

According to Macedonian sources, Kosovo Albanians make up the bulk of the National Liberation Army (UCK) in Macedonia, the remainder being Macedonian Albanians who fought for the Kosovo Liberation Army (UCK) in Kosovo. They say that the NLA receives its logistic support, weapons and ammunition from Kosovo, Albania and southern Serbia. Ever since the outbreak of crisis in Macedonia, the international community has given the Macedonian government an opportunity to manipulate the influence of Albanian political leaders and extremist groups from Kosovo on the armed clashes. Albanian political leaders in Macedonia claim that this rhetoric of Western leaders plays into the hands of the Skopje regime.

The assumption that the discontent of the (primarily Kosovo) Albanians over the definition of the Kosovo sector of the FRY-Macedonia state border is the main source of the armed conflict is a simplification of the far more complex causes of the crisis. However, one should not dismiss the fact that the situation was greatly radicalized by the negative reaction of Albanian political parties in Macedonia and Kosovo to the signing of the agreement. The exemption of Kosovo and Macedonian Albanians from the negotiations on the Kosovo sector of the FRY-Macedonia border was seen as a provocation to Kosovo and the Albanians in general.

The international community's support to the Macedonian government to preserve the sovereignty and territorial integrity of the country through 'moderate use of force' against Albanian armed formations only further radicalized the two communities. The arming of the Macedonian Army by some Western states was interpreted by the Macedonian public as support to the state in its struggle against 'terrorists'. On the other hand, the Albanians saw this as the green light to the Macedonian Army and police to use their weapons also against civilians in the event of a large conflict.

The Albanian Demands

Albanian political leaders have come out in favour of a political solution to the crisis. They insist that before any political dialogue takes place the refugees must be allowed to return, the military and police units stationed in the conflict zone must withdraw, there must be a general amnesty for all who took part in the fighting, and the NLA must be represented in the talks.

According to the DPA and the PDP, any political dialogue must focus on changing the constitutional-legal position of the Albanians in Macedonia. The first, minimal demand of the Albanian political leaders is elevating the Albanians to constituent nation status. Consequent amendments to the Constitution and statute would establish Albanian as the second official language, address the question of higher education in the Albanian language, decentralize the country to restore authority to local government, and ensure proportional representation in state institutions.

In view of the almost unanimous attitude of Macedonian politicians to the Albanian demands for NLA participation in the talks and amendments to the Constitution and its Preamble, there is little likelihood of an early start of a constructive political dialogue without considerable pressure from the international community. Macedonian authorities are adamant that talks can be conducted only with Albanian political representatives and that NLA participation would amount to according legitimacy to terrorists. Macedonian political and intellectual circles maintain that the Preamble in no way derogates from the rights of the Albanian minority. In view of the fact that it is the only document referring to the Macedonian nation, they view the Albanian insistence on its amendment as a provocation and a gesture of ill-will. Some political circles consider that amending the Constitution and giving Albanians greater rights without first achieving the broad consensus of Macedonian political parties may further destabilize the country.

The Albanian National Question

Current international press coverage of the Balkan crisis is largely grist to the mill of all who hold that ongoing fighting in Macedonia (and southern Serbia) is conducted with the sole aim of establishing an ethnically pure Albanian territory incorporating Kosovo and parts of Montenegro, Serbia and Macedonia. Although one cannot dismiss the possibility that a Greater Albania/Kosovo concept is being espoused by certain 'ethnic romantic' circles, a federalization of Macedonia does not feature on the list of demands of the two leading Macedonian Albanian parties. Their leaders have made clear that they want nothing to do with historical myths and that regionalism is the only constructive approach to the Albanian question. A precondition for this is the final solution of the status of Kosovo in keeping with the demands of the majority Albanian population.

The generally acknowledged fact that there are certain radical groups of Albanians using arms in order to realize their demands - groups which have been condemned by both Albanian politicians and the international public - can in no way detract from the demands of the Albanians in Macedonia who now envisage a solution solely within the Macedonian state.

The present situation has radicalized the Macedonian and Albanian communities in the extreme. According to a survey conducted by the Centre for Ethnic Relations, the percentage of Macedonians who would have refused to take part in an armed conflict has plummeted from nearly 90 per cent some five to six years ago to under 15 per cent at present. This drastic change in attitude reflects a reaction to the use of arms by Albanians as well as to the belated reaction of the international community to the deepening crisis, a crisis breeding manipulation and mistrust. On the other hand, Albanian sources say that support, especially among the young, for the NLA is on the rise, with more than 10 per cent of young Albanians in Macedonia ready to enlist. A survey by the Institute of Sociological and Political-Legal Research indicates that the current mood of the citizens of Macedonia is hardly conducive to a lessening of tension between the two ethnic communities.

The successful establishment of the new coalition government incorporating all relevant political parties, both Macedonian and Albanian, shows that the key problem of stabilizing the situation in Macedonia does not involve getting together politicians 'ready for dialogue'. Even at the height of fighting, the Macedonian and Albanian political elites urged a political solution and declared their readiness to embark on constructive dialogue to that end. However, they remain extremely mistrustful of each other on account of their radical public stands. It remains to be seen, after all that has happened, how to bridge the difference between the two extremely antagonized Macedonian and Albanian communities.

Belgrade, May 2001

ALBANIANS IN MONTENEGRO

In the past decade inter-ethnic relations in Montenegro were relatively satisfactory.¹ In contrast to Serbia, members of minorities in Montenegro have never been physically harassed. Moreover

members of Albanian national community in Montenegro, unlike their counterparts in Southern Serbia and Kosovo, have never been the victims of Milosevic regime. Although the problem of status and state of minorities in Montenegro has been by and large ignored, following the 1997 DPS split and Djukanovic's distancing from Milosevic's policy, the first positive steps towards improvement of the minority status were made.

There are 50,000 Albanians in Montenegro. They make up about 7% of total population. Together with 50,000-strong diaspora, they would make about 15% of total population of Montenegro.

Key problems of the Albanian national community in Montenegro are unemployment in public sector, education and culture. Despite the fact that the Constitution of the Republic of Montenegro clearly specifies that members of minorities should be employed in civil services in proportion with their share in total population, only 0.03-0.05% of Albanians are employed in state bodies and public services. Except for three "coerced" positions in the republican government², there are no Albanian employees in the republican judicial bodies and those of internal affairs.

The largest 'Albanian' town in Montenegro is Ulcinj. Although Albanians make up 85% of the town's population, head of police and head of the municipal court are not of Albanian ethnicity. Albanians are also underrepresented in the local police.

As regards education and culture situation is equally bad. Albanians attend Albanian language primary schools. But educational curricula, notably language, history and arts syllabus are not in line with needs of the Albanian community. For example Albanian history makes up 2.5% of total curricula, while in secondary schools that percentage is somewhat higher, that is, 5.9%. Currently there isn't a single Albanian language magazine subsidized from the republican budget.

On their part Albanians, that is the Democratic Alliance made its first offer for settlement of their status in Montenegro as early as in 1992 in the shape of Memorandum on Special Status of Albanians in Montenegro. Unfortunately that document was ignored by the then authorities. In November 2000 Democratic Union of Albanians submitted to the government of the Republic of Montenegro Platform on Political and Legal Framework of Self-Management of National Communities in Montenegro. This platform does not represent exclusively Albanian claims but is open to incorporation of demands of all national minorities in Montenegro. Some of the main claims spelled out in the Platform are amendments to the Act on the Local Self-Rule, reinstatement of status of municipality to Tuza, introduction of institution of Ombudsman, establishment of bicameral Republican parliament, etc. The Montenegrin Parliament is yet to discuss this Platform, which if adopted, would entail certain constitutional amendments and those of legal provisions of Montenegro.

Treatment of the Albanian national community by the Montenegrin authorities

In September 1997 DPS signed an agreement with the leading Albanian parties, Democratic Union of Albanians and Democratic Alliance which was tantamount to the government's commitment to fully respect minority rights. Unfortunately some experts maintain that DPS started treating better the Albanian minority because they needed minority votes at the previous elections to emerge victorious.³ Although under the same agreement members of minorities should be proportionately represented in state structures⁴, after the 1998 elections Albanians got only one ministerial post, one deputy minister post and one deputy secretary post in the Montenegrin government.⁵ Even DPS coalition partners think that the share of Albanians in state structures should be proportionately much higher.⁶ Although Albanians are represented in the government, ranks which they have been accorded and consequently their influence are purely symbolical.

In the 1998 elections Albanians backed Milo Djukanovic's policy in line with the principle "choose the lesser evil."⁷ The fact that the current Montenegrin regime failed to deliver many promises given to Albanians, or to tackle their key problems made Albanian leaders decide to condition their backing to Djukanovic's coalition at the forthcoming elections and possible referendum.⁸ Prior to referendum Albanian leaders shall definitively demand definition of status of their community in Montenegro.

Despite certain readiness of the current Montenegrin authorities to integrate all members of the Albanian national community into all sectors of society, many facts indicate that the government

should indeed tackle more seriously the problem of status of minorities in general. Unfortunately many think that the current authorities neglected that issue, under the pretext that the biggest problem of Montenegro were threats coming from Serbia.⁹

Albanians within the current Montenegrin context

Within the current Montenegrin context members of minorities in Montenegro, notably Albanians, are caught in the crossfire between the pro-Montenegrin coalition "Montenegro shall win" and the pro-Yugoslav block "Coalition for Yugoslavia. The latter's advocacy of civil Montenegro¹⁰ and its flirting with members of minorities, leaders of Montenegrin Albanians see only as a political discourse. They also note its lack of willingness to implement the project. As regards Coalition "Together for Yugoslavia" its members suggest that it would be dangerous for Montenegro to let its minorities take decisions about their own fate. By extension they widely promoted their thesis about alleged Albanian threat, and Albanian attempts to destabilize Montenegro. Hate speech dominates the political discourse of this coalition. At the promotional rally of the Coalition "Together for Yugoslavia" in Mataguzi, President of SNP Predrag Bulatovic stated: "Kudos to Montenegrin Albanians, they know we must cohabitate, but they are firebrands who want to destabilize Montenegro...I would not like to scare Montenegrins with stories about spill over of terrorism into our country."¹¹ President of Popular Party Dragan Soc stated: "Why would Muslims and Albanians take decisions on future state-legal status of Yugoslavia, for only the majority Orthodox people are entitled to take such decisions."¹² Top-ranking analyst of the International Crisis Group, Peter Palmer told BBC, that some statements of top leaders of the coalition were not acceptable. In a response to his statement Vijesti of 12 April 2001 in an article headlined. "Do people who thus speak about Albanians and Muslims have some interest in creating tension in Montenegro?" It is obvious that such a stance of coalition "Together for Montenegro aims to firstly discredit the ruling coalition¹³, that is indicate hazards of its denial of "the Albanian threat", and secondly to tip the electorate scales towards the Yugoslav option.

By extension Albanian leaders qualify such messages of "Coalition for Yugoslavia" as an open call to apartheid, obviously in terms of minority support for Djukanovic's option.¹⁴ As regards their possible backing of Djukanovic, they announce they shall first monitor the conduct of Montenegrin authorities towards the Albanian electorate at the forthcoming elections ...that is, their support to coalition "Montenegro shall win" shall hinge on assessment thereof. President of Democratic Union of Albanians Ferhat Dinos says that already some manipulations and different kinds of pressures are at play, but he stresses that such phenomena are contrary to interests of Montenegro "for any democracy-minded government in Montenegro should see Albanians as partners and not as subjects."¹⁵ Political representatives of Montenegrin Albanians think that the authorities are in a way manipulating the Albanian electorate and piling up pressure to the detriment of the Albanian national parties. Names of some members of Albanian national community can be found on electoral lists of coalition "Montenegro shall win." This is interpreted as an utterly wrong move by the current regime, or its bid to curry favor with "Albanians." Both Ferhat Dinosh and Mehmet Bardhi consider that under the current political circumstances minorities interests can be best represented by their political parties.¹⁶ Moreover contact with member of minority peoples which the current Montenegrin authorities are trying to realize through "obedient" members of minorities, in opinion of leaders of Montenegrin Albanians is also counter-productive.

Independence of Montenegro- pro and contra

Montenegrin Albanians did not back the third Yugoslavia, partly because of their distrust of Serbia, partly because of their awareness that the current federation, characterized by internal disproportion, was doomed to collapse. They also knew that the federation was seen as an extension of dream of Greater Serbia. Albanian political leaders, representatives of the current regime, and the opposition parties, agree that Montenegrin Albanians see Montenegro as their state.¹⁷ Hence their political leaders clearly express their stance that in case of referendum they shall call on their fellow- nationals to vote for independent Montenegro. Albanians should be interested in independence of Montenegro, for it would represent the most acceptable framework for resolution of their status. Although national states in the Balkans, in markedly multinational states, came to be seen as nearly untenable project, Montenegrin Albanians state that they favor

national Montenegro, with civil society and minorities equally represented in all segments of political and social life over the existing federation. According to claims of their political leaders Albanians in Montenegro want the same status enjoyed by minorities in Western, developed countries. They demand that their status be regulated under a new Constitution and introduction of legal mechanism protecting their individual and collective rights. Contrary to assertions of some Serbian politicians and coalition "Together for Yugoslavia", Albanians maintain that they genuinely favor their full integration in Montenegrin society.¹⁸ They also maintain they would fight for their rights only within Montenegrin institutions.

In case of internal conflict between pro-Montenegrin and pro-Yugoslav block Albanians have given their assurances that they would defend Montenegrin interests.

Albanian issue and Greater Albania/Kosovo

Problem of the Albanian national issue and concept of Greater Albania/Kosovo was introduced into the pre-election campaign by leaders of the Serbian and federal authorities and representatives of coalition "Together for Yugoslavia." The Serbian press has recently been launching the thesis that conflicts from Southern Serbia and Macedonia shall spill over into Montenegro in case of the federation break-up. One of Vice Prime Ministers of Serbia, Momcilo Perisic argues that "there are some indications thereof".¹⁹ That thesis is linked to domino effect, expected in the Balkans after proclamation of Montenegrin independence. The same thesis is expounded in the election race by members of Coalition "Together for Yugoslavia". Namely they say that armed conflicts with Albanians can be expected in Montenegro, in case of proclamation of independence of Montenegro, for Montenegrin Albanians have adopted the strategy of Macedonian Albanians.²⁰ Federal Prime Minister Zoran Zizic stated at a promotional rally of coalition "Together for Yugoslavia" that "small Montenegro is an incentive for Greater Albania".²¹ According to SNP assessments separatism of Montenegrin authorities is grist to the mill of Albanian separatists. SNP expects a spill over of conflicts from Macedonia and Southern Serbia in case of proclamation of Montenegrin independence.²² Glas of 26 March 2001 writes that the Greater Kosovo project includes annexation of some parts of Macedonia, Southern Serbia and of autonomous area of "Malesija" stretching from "the Raska area to the Adriatic sea and including Plav, Gusinje and Ulcinj." In Blic of 24 March 2001 Srbobran Brankovic, Head of Opinion Poll Agency "Medium" stated that the three Albanian parties would unanimously vote for independence of Montenegro in view of their assessment that "the Greater Albania project would be more easily implemented if Montenegro broke away." Secretary of the Federal Defense Minister Milovan Coguric thinks that Serbia and Montenegro can together stop disintegration process in the Balkans, for "unless they do that, Montenegro shall be under threat of a new separation incentive: the Albanian Academy of Sciences has drawn a map of Albania, covering Budva and Niksic and northern border cutting deeply into the heart of Vasojevic tribe land."²³

In mid-March many media in Serbia extensively covered emergence of armed Albanians in areas of municipalities Plav and Gusinje and the KLA graffiti on walls of some schools in Podgorica. According to the coalition "Together for Yugoslavia" Albanians wanted to get across a message that Montenegro was next in line...When asked by a Helsinki Committee representative if those graffiti were perhaps a message from Serbia, Dragan Koprivica, member of the Executive Committee of the SNP answered that "such a message from Serbia would have been understood as a well-intentioned warning...if currently there are no armed Albanians, they might emerge in the near future."

Representatives of the Montenegrin and Albanian minority political parties agree that the Albanian issue is the biggest unsolved national issue in the Balkans. But problem of the Albanian national issue should not be linked to the concept of Greater Albania/Kosovo which doesn't exist as a clearly articulated political project. The gist of Albanian national issue, not only in Montenegro, but also in Serbia, Macedonia and Kosovo is legally and constitutionally unregulated status of minority Albanian communities and undefined status of Kosovo.

Albanians in Montenegro consider Montenegro their state and they see no other alternative.²⁴ They consider Albania only as a historical factor. In those terms accusations leveled at them by representatives of the Serbian and FRY authorities and leaders of coalition "Together for Yugoslavia" are not founded. According to statements of Albanian leaders in Montenegro, Albanians only want to attain and exercise their rights within their domicile state of Montenegro without any territorial pretensions, that is claims to parts of Montenegrin territory or aspirations to

annexation thereof. Albanian diaspora entertains the idea of Greater Albania, but political leaders of Montenegrin Albanians consider this idea a purely theoretical concept.²⁵

There is no political support to this project and Montenegrin Albanians think that after the Serbian experience with the Greater Serbia project, similar projects in the Balkans are doomed to fail. For political leaders of Montenegrin Albanians the solution of the Albanian national issue is an integration of independent states in the Balkans, that is a union with open borders and free flow of people, ideas and commodities.

The biggest priority in the resolution of the Albanian national issues is definition of status of Kosovo beyond the framework of Serbia/the FRY. Independent Kosovo and constitutionally and legally regulated status of Albanian national communities in Serbia, Macedonia and Montenegro are main prerequisites for stabilization of the Balkans and full integration of Albanians in all structures of states in which they constitute minorities. Final definition of status of Kosovo as an independent entity within the existing borders would boost arguments of those currently floating the idea of Greater Albania/Kosovo for daily political purposes.

Belgrade, April 2001.

1 In comparison with other newly-emerged countries, barring Slovenia.

2 Democratic Alliance in Montenegro and Democratic Union of Albanians, as backers of Djukanovic-led coalition shared one ministerial post, one deputy minister post and one deputy secretary post in the republican government after the 1988 parliamentary elections. Many Albanians see this only as a marketing gesture of Milo Djukanovic, that is a minimal "reward" for their backing rendered to his party.

3 Talks between representatives of the Helsinki Committee for Human Rights in Serbia with Miodrag Zivanovic, political leader of Liberal Alliance of Montenegro, Podgorica, 11 April 2001.

4 Albanians account for only 0.3-0.5 workforce of the civil service and state bodies in Montenegro, which clearly indicates disproportion between their share in total population and their representation in state structures.

5 A member of the Democratic Union of Albanians is a Minister for National Minorities, while Deputy Education Minister and Deputy Information Secretary are from the ranks of the Democratic Alliance.

6 Talks between representatives of the Helsinki Committee for Human Rights in Serbia with Ranko Krivokapic, Vice President of the SDP, Podgorica, 11 April 2001.

7 Talks between representatives of the Helsinki Committee for Human Rights in Serbia with Nik Gashaj, politicologist and President of Association for Culture and Social Trends "Malesia."

8 Talks between representatives of the Helsinki Committee for Human Rights in Serbia with Ferhat Dinosha, President of the Democratic Union of Albanians, Podgorica, 12 April 2001 and Mehmet Bardhi, President of the Democratic Alliance, Podgorica, 12 April 2001.

9 Nik Gashaj, politicologist, President of Association for Culture and Social Trends, "Malesia."

10 "...Vice President of DPS Svetozar Marovic said that "to have the strength to say that Montenegro is not only Montenegrin, but also Serbian, Muslim and Albanians, is not an act of betrayal ...for all of them Montenegro is their common house both today and tomorrow." Vijesti 12 April 2001..."we shall not allow them to engage in incident-mongering and to start counting members of minorities.", Milo Djukanovic, Vijesti 12 April 2001.

11 Glas Crnogoraca, 12 April 2001.

12 Glas, 1 April 2001.

13 The current authorities in Montenegro in their public discourse stress their partnership with minority communities. But that view is not shared fully by political leaders of Montenegrin Albanians.

14 Talks between representatives of the Helsinki Committee for Human Rights in Serbia with Ferhat Dinosha, President of Democratic Union of Albanians, Podgorica, 12 April 2001.

15 Onogost, 6 April 2001.

16 Talks between representatives of the Helsinki Committee for Human Rights in Serbia with Ferhat Dinosha, President of Democratic Union of Albanians, Podgorica 12 April 2001 and Mehmed Bardhi, President of Democratic Alliance, Podgorica 12 April 2001.

17 Democratic Alliance, Democratic Union of Albanians, Social-Democratic Party and Liberal Alliance of Montenegro.

18 Talks between representatives of the Helsinki Committee for Human Rights in Serbia with Ferhat Dinosha, President of Democratic Union of Albanians, Podgorica 12 April 2001 and Mehmed Bardhi, President of Democratic Alliance, Podgorica 12 April 2001.

19 Novosti, 25 March 2001.

20 Talks between representatives of the Helsinki Committee for Human Rights in Serbia with Predrag Drećun, President of the Executive Committee of the Popular Party, Podgorica, 11 April 2001.

21 Glas Grnogoraca, 11 April 2001.

22 Talks between representatives of the Helsinki Committee for Human Rights in Serbia with Dragan Koprivica, member of the EC of SNP, Podgorica, 10 April 2001.

23 Dan, 11 April 2001.

24 Greater Albania/Kosovo.

25 Talks between representatives of the Helsinki Committee for Human Rights in Serbia with Ferhat Dinosha, President of the Democratic Union, Podgorica, 12 April 2001.

POST-ELECTION KOSOVO: RETURN OF POLITICS TO INSTITUTIONS

International and domestic observers by and large agreed that despite minor problems elections were held in a democratic and peaceful atmosphere. Added to that the pre-election campaign, in contrast to the previous one was, not marked by a large number of incidents and political showdowns.

During the pre-election campaign the principal message of Albanian politicians was - "independence." In contrast to that message the Serb coalition "Povratak" ("Return"), in line with its name, insisted on a two-way return, that is of Serbs to Kosovo and partially, in keeping with the Haekkerup-Covic agreement, on return of Serbian institutions to Kosovo 1 and of Kosovo to Serbia and the FRY.

A long-running Serb project for resolution of the Kosovo crisis, and recently ran by *Nedeljni Telegraf* (21 November) as information given by the UNMIK High Representative, 2 gained prominence during the pre-election campaign and elections proper: if the "Albanian" Parliament proclaims independence Serbs shall respond by proclamation of autonomy of Serb enclaves. This possibility is officially introduced as one of prerogatives within the framework of mandates of Serb MPs.... There is still a possibility that Albanian MPs at one of sessions of Kosovo Parliament shall do that (proclaim independence). In that cases Serb MPs shall proclaim autonomy of those parts of Kosovo and Metohija which are predominantly populated by Serb folk.³ Contrary to creation of common institutions, and consequently full integration of existing

parallel structures into a unique Kosovo system, it seems that Serb authorities have other combinations.

Kosovar Serbs

Despite anti-election campaign spearheaded by the republican and federal government, a surprisingly large number of Serbs took part in the Kosovo elections. However Nebojsa Covic, Serbian Vice Prime Minister, maintains that "all Kosovo and Serbia experts should have anticipated such a turn-out" 4 even if the Haekkerup-Covic agreement had not been signed. Although some provisions of the agreement are related to some of key Kosovo problems (but not the Kosovo status) it seems that its signing generated more problems than positive reactions. Serb and Yugoslav authorities insisted on getting the international community guarantees that the newly-elected Kosovo Parliament would not be allowed to tackle the issue of status of Kosovo, although the Constitutional Framework for the Interim Self-Rule in Kosovo already precludes such a possibility. Although one of the key goals of general elections in Kosovo was transfer of some authority from the UN Civilian Mission to future Kosovo bodies, and consequently placement of all processes within their framework, by paving the way for signing of the Haekkerup-Covic Agreement UNMIK 'installed' the institution of special status/treatment of a national community. Despite an evident wish of the international community to provide for a full legitimacy of general elections through participation of all national communities, it seems that the move was not properly thought-out.

Albanian political parties responded by stating that they would not participate in the High Working Group, a joint UNMIK-Interim Self-Rule Institutions-the FRY body, envisaged by the aforementioned agreement. If that threat is translated into reality, its effects may be very counter-productive. Realistically speaking, the least satisfied with the Haekkerup-Covic Agreement are probably other ethnicities in Kosovo, which in perpetual jockeying for power between the Albanian and Serb political elites have been totally sidelined.

Signing of Haekkerup-Covic Agreement was used by federal and republican authorities to get across the message (albeit a wrong one) to Kosovar Serbs that the issue of status of Kosovo was resolved to the benefit of Serbia and Yugoslavia, and on that basis to declare that their participation in Kosovo election was a top state and national interest. Although none of the conditions for Serb participation in the elections was met, despite assurances to the contrary by the republican and federal officials, Serbia and Yugoslavia decided to stimulate Serbs to take part in the elections. It is difficult to believe that officials of Yugoslavia/Serbia who took to task the international community for its poor-implementation of UN SC Resolution 1244, suddenly realised that they had faith in that resolution regarding implementation of the Haekkerup-Covic Agreement. However such a position of the Serb and Yugoslav authorities probably has to do with pressures of the international community and in all likelihood is only of a symbolic nature.

Paradoxically enough all those who remained true to their initial demands (against participation in elections) were accused of staging an anti-campaign resulting in an alleged loss of several seats of Coalition "Return" in Kosovo Parliament. 5

Despite the anti-campaign and the loss of almost 10 seats in parliament and one seta in presidency 6 Serbs were proclaimed by some Albanian media "victors" of general elections. 7 Interestingly enough the republican government, which after actively engaging in the anti-campaign, 10 days before the start of elections changed its mind, called to account some leaders of Kosovar Serbs, Momcilo Trajkovic and Marko Jaksic, members of the Federal Committee for Kosovo and Metohija. Thus responsibility for the alleged loss of 10 seats was transferred to local leaders. The Belgrade authorities, after intensive manipulation and instrumentalisation, shifted responsibility to Kosovar Serbs, in the same way they did it with Republika Srpska Krajina. Having in mind the fact that the decision on participation in elections was taken only 12 days ahead of them, and after an intensive anti-election campaign, it is difficult to believe that additional mandates were within reach of Serb candidates.

Post-election Kosovo

In view of the fact that not a single party won the majority necessary for formation of an independent government, at play are different post-election combinations, whose final outcome shall mark the future direction of Kosovo process. The biggest responsibility currently rests with the LDK as the strongest political option-if the Albanian national coalition (LDK and DPK) is formed this would mean 'consolidation' of the existing divisions along ethnic lines, which is likely to affect the image of both LDK and Ibrahim Rugova and the Albanian community as a whole. In contrast to such a possibility, forging of LDK and Serbian block "Return" coalition, the

one favoured by the international community, would be tantamount to rendering support to a multiethnic Kosovo and acceptance of Kosovar Serbs in their current constellation of relations with Serbia and the FRY⁸ as a relevant political factor.

Both options may produce problems. The first option requires that LDK and DPK must find a way to overcome their mutual rivalry and totally divergent positions on some issues. Added to that LDK, having ensured a presidential post for its member, is likely to be compelled to renounce the position of Prime Minister to the benefit of PDK. Although some Kosovo analysts think that the second option could theoretically ensure a stable functionality of parliament if the Serb coalition partner continues to rely on Serbia and the FRY, it might in fact provoke further radicalisation of Albanian-Serb relations. In view of recent statements of candidates of Coalition "Return" regarding Serb priorities in Kosovo Parliament-non-change of borders, reintegration of Kosovo into Serbia and the FRY, return of the Yugoslav Army and police in line with UN SC Resolution 1244...9- it is very likely that a possible LDK decision on forging coalition with "Return" could be sharply criticised by its political opponents and the Albanian community.

If Albanian and Serb elites in Kosovo don't change their tack and continue to adhere to their current political logic, Albanian-Serb coalition is hardly feasible. International community has made it clear to Albanians that the recent elections would not have a bearing on status of Kosovo. Now similar message must be sent to the other side-namely Kosovar Serbs should not be left manoeuvring room for disseminating the wrong conclusion that Kosovo shall remain part of Serbia and the FRY. Rada Trajkovic is against an imminent Serb decision on coalition with any Albanian party, and in favour of "contacts with MPs of other ethnic communities in Kosovo, altogether 13 of them" (Blic, 2 December 2001)¹⁰

The issue of status of Kosovo, as Ambassador Dan Everst stated, is a legitimate topic, and in the future, "independence of Kosovo is one of possibilities, and not a taboo topic." Dan Everst also stressed that international consultations are necessary, but added that "they cannot start tomorrow, for we must first see how management of inter-ethnic relations shall unfold". (Danas, 1-2 December 2001)

As no clear differentiation among Serbs came about, it is not very likely that Kosovar Serbs shall be able to pursue an autonomous policy in Kosovo. The letter sent by Prizren-Raska Episcopo Artemije, in his capacity of President of the Serb National Council, to Nebojsa Covic, Vice President of the Co-ordinating Centre for Kosovo, a body established by both the republican and federal authorities, clearly indicated that no divergent stands among the Serb body politic would be tolerated. In his letter Artemije calls on talks "for the sake of a full unity of Coalition Return in Kosovo Parliament" which in the future provincial parliament should "pursue the state policy of Serbia and the FRY." Artemije also stressed that "those who make it to the parliament are duty-bound to pursue and implement the state Serb policy, to suit primarily the interests of Serbs in Kosovo and Metohija." He considers that "no party goals should be advocated in Parliament, for that would lead to carving up and division of Kosovo, and land us all into a predicament." The Orthodox Church is obviously taking on a leading role in Kosovo, as regards the pursuit of "higher state interests." Artemije even thinks that all MPs should "take the oath of allegiance in monastery of GraCanica to the effect they shall respect the principle of unity in implementation of the state policy." The 8th December meeting between Serb Prime Minister Zoran Djindjic and representatives of "Povratnik" coalition clearly demonstrated Belgrade's ambition to control/instrumentalise Kosovar Serbs and situation in Kosovo. At the meeting an agreement was reached to "hold a monthly meeting with ministers in charge of functioning of day-to-day life in Kosovo."¹¹

Nebojsa Covic's appeal to Kosovar Serbs "not to join partly-formed institutions until rules stemming from Haekkerup-Covic Agreement are firmly in place,"¹² indicates unwillingness of Serbia and the FRY to accept any compromise. On the other hand addresses and conduct of some Kosovar MPs at the first parliamentary session, namely their filibustering and obstruction of election of President and other parliamentary bodies indicate political immaturity of some political options which can have a very far-reaching negative impact on the future situation in Kosovo.

Conclusions:

- In the face of many post-election uncertainties all communities in Kosovo should transfer their political struggle and resolution of existing problems to institutions. This means that all protagonists in the political scene of Kosovo should assume political responsibility for all future successes and failures. Only dialogue in institutions can create prerequisites for revival of political life in Kosovo, after a ten-year break, building of social institutions, their mutual tolerance and confidence building at all levels;

- Future Kosovo institutions shall have limited authority, therefore newly-elected representatives of Albanian, Serb and other communities in Kosovo shall have to show a high degree of political maturity if they want that authority to be expanded;
- Large number of abstainees among all nationalities is a clear signal that citizens of Kosovo are tired of futile discussion on allegedly important issues and that they desire a swift revival of normalcy, which has been absent from their milieu for the past ten years. Majority of citizens are oriented towards resolution of key issues, notably, security, anti-corruption and anti-organised crime campaign, economy, judiciary, infrastructure, etc.
- Normalisation of life of Serbs in Kosovo to a large extent shall depend on conduct of Belgrade on the one hand and on their ability to autonomously organise their political partnership with Albanian and other ethnic communities in Kosovo on the other hand.
- The issue of status of Kosovo shall continue to be a source of radicalisation on both sides. In parallel the federal and republican officials constantly place the issue of a definitive status of Kosovo within the context of division of Bosnia and Herzegovina, and Macedonia...The issue of referendum and independence of Montenegro serves the same purpose (interview of Goran Svilanovic to BBC during his 29 November 2001 visit). The fact that those issues are prioritised delays transition in Serbia proper.
- International community should not allowed to be sucked into different local manipulations and in that sense should prevent division of Kosovo, for it would be tantamount to returning to the dangerous start of the process of disintegration of Yugoslavia.

End notes:

1 FRY-UNMIK Co-operation Agreement, Education "...programs shall provide for an adequate compatibility between educational structures of Kosovar Serbs and educational system of the Republic of Serbia..."

2 "independent Kosovo, Serb autonomy, return of the Yugoslav Army, withdrawal of KFOR, new Dayton"

3 Nebojsa Covic, *Danas*, 28-30 November 2001

4 Turnout would have been much lower.

5 Even in this showdown a unique criterion was not applied. "...Marko Jaksic and other prominent figures from Kosovo (members of DPS?) promised that they would not make fuss, that is, stage a boycott. As regards Moma Trajkovic I think that his position in the federal government is utterly incompatible with his actions which undercut decisions of that very government," Zoran Sami, Vice President of DPS.

6 Nebojsa Covic, *Danas*, 21 November 2001

7 *Koha Ditore* text, as carried by *Danas*, 24-25 November 2001

8 Belgrade is still a point of reference for Kosovar Serbs

9 *Politika* 20 November 2001

10 *Danas*, 1-2 December 2001

11 Zoran Djindjic, *Politika*, 9 December 2001

12 *Politika*, 8 December 2001

Annex III

Publishing Activities

I. Edition "Testimonies"

1. Latinka Perovic: *People, events, books*

2. Novak Pribicevic: *Is there any resonance?*

3. Milan Sahovic: *Chronicle of the International Isolation*

4. Sr|a Popovic: *Road to Barbarity*

5. Milivoje Maksic: *At odds with the world*

5. Slobodan Inic: *Portraits***7. Ljubivoje Acimovic: *World and the Yugoslav Crisis*****8. Miodrag Stanisavljevic: *Catharsis and Cataract*****9. Bogdan Bogdanovic: *Mire and Blood*****II. Edition of Helsinki Files****1. Serbian Elite**

Authors: prof. PhD Olivera Milosavljevic, PhD Radmila Radic i Obrad Savic.

Focus: The role of the Serbian elite (Academy, Serbian Ortodox Church and University) in the political events in SFRY over the last two decades of the Twentieth Century

2. Potential for Changes

Authors: Slobodan Inic, prof. PhD Vladimir Ilic and Dimitrije Boarov.

Focus: Potential of the Serbian society for democratic transformation

3. Russia, Serbia, Montenegro

Authors: PhD Jelica Kurjak, prof. PhD Olga Popovic-Obradovic and prof. Mijat Sukovic

Focus: Relations between Russia, Serbia and Montenegro

4. Individual and Collective Rights of Minorities

Compendium of papers presented at the Round Table on Minorities in Novi Sad

5. Otpor - in or beyond Politics

Authors: Prof. PhD Vladimi Ilic

Focus: Profile of Otpor

6. Case of Ivan Stambolic

Prepared by: Latinka Perovic

Focus: Documents on disappearance of Ivan Stambolic on 25 August 2000 and actions taken by The Board for Release of Ivan Stambolic

7. The Hague Tribunal: Discord between Us and the World

Authors: PhD Milivoje Despot and prof. PhD Vladimir Ilic

Focus: Analysis of importance of the Hague Tribunal in international relations and views on the Hague Tribunal in Serbia

8. Minorities and Refugees in Vojvodina

Author: Prof. PhD Vladimir Ilic

Focus: Research on refugees, their ability for integration in Serbia or for return to their homeland

9. In the Triangle of the State Power – Army, Police, Paramilitary Forces

Authors: Stipe Sikavica, PhD Budimir Babovic, Milos Vasic and Filip Svarm

Focus: Analysis of the Yugoslav Army, police and paramilitaries and their role in the past ten years

10. Unlearnt Lesson – Central-European Idea and the Serb National Program

Authors: prof PhD Charles Ingraio and PhD Lazar Vrkatic

Focus: Legacy of conservative political idea in Serbia

III Public Debates, Panels, Seminars and Conferences**1. Whither the Bulldozer? Belgrade, 30 and 31 January**

Conference organized by US Institute of Peace and Helsinki Committee

Topic: Serbia after changes

2. Chronicle of International Isolation, Milan Sahovic, Belgrade, 21 January

Participants: PhD Milan Sahovic, PhD Latinka Perovic, PhD Ljubivoje Acimovic and PhD Milivoje Despot

3. Opposing the World, Belgrade, February

Participants: Goran Svilanovic, Federal Minister of Foreign Affairs, PhD Latinka Perovic, PhD Ljubivoje Acimovic, Vladimir Veres and Milivoj Maksic, author

4. Individual and Collective Rights, Novi Sad, 8 March

Participants: representatives of minorities, NGOs, official representatives and media

5. Difficult Reconciliation, Enver Djuliman, Belgrade, 7 March

Participants: PhD Latinka Perovic, PhD Nebojsa Popov, PhD Ljubivoje Acimovic, PhD Milivoje Despot, Enver Djuliman and others

6. Religious Education as a Subject-Matter in Schools – for or against, Belgrade, March

Participants: PhD Prof. Olga Popovic-Obradovic, PhD Marija Draskic, Mirko Djordjevic and Milanka Saponja-Hadzic

7. Judiciary as a Priority of Democratization, Belgrade, 1 March

Participants: Prof. Dr. Olga-Popovic Obradovic, Dr. Marija Draskic, Mirko Djordjevic and Milanka Saponja-Hadzic.

8. Reform of Military Judiciary, Belgrade, 14 March

Participants: Lawyers and former judges from the Military Court (Djordje Domazet)

9. Co-operation with International Organizations, Jagodina, 21 March

Lecturer: Pera Lukovic

10. Round Table on Roma, Novi Sad, 4 April

Participants: representatives of Roma organizations

11. Religious Education as a Subject-Matter in Schools– for or against, Cacak, 26 April

Participants: Mirko Djordjevic, Marija Draskic i Milanka Saponja-Hadzic.

12. Otpor-in or beyond Politics, Belgrade 11 April

Participants: prof. PhD Vladimir Ilic and members of Otpor

13. Interethnic relations in Vojvodina, Novi Sad, 4 April

Participants: minority representatives and media

14. Portraits, Slobodan Inic, Subotica, 20 April

Participants: PhD Latinka Perovic, PhD Jovan Komsic, Bosko Kovacevic and Pavel Domonji

15. World and the Yugoslav Crisis, Ljubivoje Acimovic, Belgrade, 17 May

Participants: PhD Ljubivoje Acimovic, PhD Latinka Perovic, PhD Milan Sahovic and Milivoje Maksic

16. Case of Ivan Stambolic, Belgrade, 18 May

Participants: Radomir Konstantinovic, PhD. Latinka Perovic, Zivorad Kovacevic and Spiro Galovic

17. Sandzak – Decentralization and Regionalism, Belgrade, 29 May

Participants: Zevdo Huric, Dušan Janjic, Aleksandar Popov, Bairo Omeragic

18. Concert Held on the Day of Conscientious Objectors , Cacak, 16 May

Participants: Biljana Stanojevic and Stipe Sikavica

19. Prelude to Catharsis, Novi Sad, 31 May

Participants: Aleksandra Tekijaski-Stojanov, Tanja Ostojic, Nenad Dakic, Andrea Savla

20. Sandzak – Decentralization and Regionalism, Novi Pazar, 4 June

Participants: predstavnici Muslimana- Bosnjaka, Sefko Alomerovic, Sekret Krcic

21. Yugoslavia, Finally, Against Mines, Belgrade, 6 June

Participants: Stipe Sikavica, Aleksandar Resanovic (CAA), Dusanka Divjak-Tomic (SMIP), Branko Boskovic (VJ), Milomir Manojlovic (VJ), Slobodan Borisavljevic (MUP)

22. Minorities and Refugees in Vojvodina, Novi sad, 22 June

Participants: Slavko Amazan, Zoroslov Spevak, Tomislav Zigmanov, Gabor Gudlik, Janko Ramac, PhD Vladimir Ilic, Miroslav Samardzic

23. Portraits, Slobodan Inic, Belgrade, 28 June

Participants: PhD Latinka Perovic, Ivan Lovrenovic and Zarko Papic from Sarajevo

24. Human Rights School for Young People, Palic, 30 June to 8 July

Participants: 20 pupils and eight lecturers

25. Anti-Semitism in Serbia, Belgrade, 5 July

Participants: Mirko Djordjevic, Vladimir Ilic, Aca Singer and Milanka Saponja-Hadzic.

26. Minorities in Serbia, Belgrade, July

Participants: minority representatives and experts for minority rights

27. Anti-Semitism in Serbia, Kikinda, 9 July

Participants: Mirko Djordjevic, Nenad Dakovic and Milanka Saponja-Hadzic

28. The Hague Tribunal and the Wartime Responsibility, Sombor, 31 July

Participants: Dušan Mijic, PhD Vladimir Ilic and Pavel Domonji

29. Anti-Semitism in Serbia, Cacak, 1 August

Participants: Mirko Djordjevic, Slobodanka Pekovic and Milanka Saponja-Hadzic.

30. Religious Education or Democracy, Vrsac, 14 July

Participants: Milanka Saponja-Hadzic, Mirko Djordjevic

31. Religious Education or Democracy, Belgrade, August

Participants: PhD Olga Popovic-Obradovic, Mirko Djordjevic, PhD Vojin Dimitrijevic, PhD Nebojsa Popov, Laslo Vegel, Biljana Kovacevic-Vuco, Miljenko Dereta, Vigor Majic and others

32. Facing Despair, Sombor, 15 August

Participants: Pavel Domonji, Dusan Mijic, Jovica Trkulja

33. Anti-Semitism in Serbia, Belgrade, 20 September

Participants: PhD Nebojsa Popov, PhD Todor Kuljic, PhD Vesna Rakic-Vodonelec, Mirko Djordjevic, Avram Izrael, Nebojsa Samardzic

34. Religious Education – for or against, Vrsac, 23 October

Participants: Mirko Djordjevic and Cedomir Cupic

35. Guilt and Responsibility, Sombor, 14 September

Participants: Mihajlo Mihajlov and Pavel Domonji

36. Refugees in Serbia, Belgrade, September

Participants: PhD Vladimir Ilic and experts for refugees problems

37. Serbia between Moderna and Antimoderna, Novi Sad, October

Lecturer: dr. Latinka Perovic

38. Catharsis and Cataract, Miodrag Stanisavljevic, Belgrade, 10 October

Participants: Mirko Djordjevic, Nebojsa Popov and Petar Lukovic

39. Catharsis and Cataract, Miodrag Stanisavljevic, Novi Sad, 24 October

Participants: Mirko Djordjevic, Olivija Rusovac and Miodrag Stanisavljevic, author

40. In the Triangle of State Power, Belgrade, 25 October

Participants: Stipe Sikavica, Milos Vasic, PhD Budimir Babovic, Filip Svarm

41. Nationalistic Preachings of Priest Nicolaj, Novi Sad, 25 October

Lecturer: Mirko Djordjevic

42. 5 October – one year after, Novi Sad, 26 October

Participants: new leaders, political analysts and NGO representatives

43. Transition – yes or no? Sombor, October

Participants: Miroslav Prokopijevic, Du{an Mijic, Pavel Domonji

44. Mire and Blood, Bogdan Bogdanovic, Belgrade, 15 November

Participants: PhD Latinka Perovic, PhD Olivera Milosavljevic, Sonja Biserko and Bogdan Bogdanovic, author

45. Catharsis and Cataract, Miodrag Stanisavljevic, ^a~ak, 2 November

Participants: PhD Neboj{a Popov, Mirko Djordjevic and Miodrag Stanisavljevic, author

46. Transition and Minorities, Belgrade, 7-8 novembar

Organizers: European Community, International Helsinki Federation and Helsinki Committee for Human Rights in Serbia

Participants: representatives of national minorities in Serbia, NGOs, official representatives, international experts and media

47. Minorities and the New Regime, Sombor, 30 November

Participants: Pavel Domonji, Miroslav Samardzic, Tomislav Zigmanov, Ratko Bubalo

48. Night of 1000 Dinners- Anniversary of Ottawa Convention, Belgrade 1 December

Participants: Canadian Ambassador Angela Bogdan, (co-organizer), Goran Svilanovic, Federal Foreign Minister, US Ambassador William Montgomery, Sonja Biserko and others

49. Janus Face of Elite, Kikinda, 7 December

Participants: PhD Olivera Milosavljevic, Filip David, Mirko Djordjevic, PhD Jovica Trkulja, Pavel Domanji

50. Media and The Hague Tribunal, Bgrade, 17 December

Participants: Sonja Biserko, Matijas Helman, Hari Stajner, Veran Matic, Perica Vucinic, Milos Vasic, Milivoje Despot, Obrad Savic and others

51. Seminar on Mines, Belgrade, 18 December

Participants: Mirjana Obradovic, Stipe Sikavica, Vladimir Citakovic (Hendicap Int.)

52. Judiciary in Serbia, Belgrade, 20 December:

PhD Vesna Vodenilic, Vida Petrovic-Skero, judge at the District Court in Belgrade, Gordana Mihajlovic, President of the Second Municipal Court and Natasa Novakovic

53. Position and Prospects of Vlaschs, Novi Sad, 21 December

Participants: representatives of Vlasch NGOs

54. The Hague Indictment against Slobodan Milosevic, Belgrade, 21 December

Participants: PhD Milan Sahovic, PhD Milivoje Despot, Dragoljub Todorovic, lawyer and Sonja Biserko

55. The Role of the Father of Nation, Novi Sad, 22 December

Lecturer: Prof. PhD Milenko Perovic

56. Seminar within the Project »Confidence-Building Measures«, Vranje, 24 to 29 December

Participants: Albanian, Serb and minority students

57. Human Rights School for Young People, Novi Sad, 25 to 30 December

Participants: twenty pupils and eight lecturers

